



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

File Number: LTB-L-062961-25-RV

In the matter of: 509, 3561 EGLINTON AVE W
YORK ON M6M5C7

Between: New Spadina Garment Industry Corp. Landlord

And

Neusa Paixao Tenants
Nuno Paixao

Review Order

New Spadina Garment Industry Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Neusa Paixao and Nuno Paixao (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-062961-25 issued on November 17, 2025.

On November 24, 2025, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On November 28, 2025, interim order LTB-L-062961-25-RV-IN was issued, staying the order issued on November 17, 2025.

This review request was heard by videoconference on January 22, 2026. The Landlord's agent Ramona Hossu, the Tenant Neusa Paixao and the Tenant's legal representative Simone Thomas-Brisset attended the hearing.

Determinations:

1. The order issued on November 17, 2025 terminates the tenancy for non-payment of rent unless the Tenants pay to the Landlord \$15,306.79 for arrears of rent and costs on or before November 28, 2025. In the order, the Board found that the arrears were owing because of the Tenant's rent subsidy being revoked and the Tenants not paying the increased rent based on the revoked subsidy.
2. The Tenant's request for review is filed on the basis that the Tenant was not reasonably able to participate in the proceedings and that the order contains a serious error.
3. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings or that the Tenants were not reasonably able to participate in the proceeding.

4. With respect to the claim that the Tenants were not reasonably able to participate in the proceedings, the hearing recording and the Board's records confirm that the Tenant Neusa Paixao was present at the hearing and was given a full opportunity to give evidence and submissions on the matter. At no point during the hearing did the Tenant raise any accommodation request or advise the presiding Member that they were unable to fairly participate in the proceedings. Therefore, I am not satisfied that the Tenants were not reasonably able to participate in the proceedings and as such, this portion of the review request is denied.
5. With respect to the allegation of a serious error, the matter was directed to a review hearing to confirm / determine whether the Landlord is exempt from the rent control guidelines of the *Residential Tenancies Act, 2006* (the Act) and whether the rental unit is part of a rent subsidy program.
6. At the review hearing, it was determined that the Landlord is exempt from the rent control guidelines set out in section 120 of the Act in accordance with subsection 7(1)3iii of the Act. Pursuant to Ontario Regulation O. Reg. 368/11, this residential complex / rental property is a designated housing project under the Housing Services Act (HSA). Therefore, section 120 of the RTA does not apply to this residential complex or the rental units located within it. The Landlord is therefore entitled to apply / revoke a rent subsidy at their own discretion or increase the rent above the guideline amount.
7. At the review hearing, the Tenant's legal representative made submissions with respect to the reasonableness of the Landlord removing the rent subsidy. Section 203.1 of the Act however is clear that the LTB cannot make any determinations regarding housing charges or the eligibility for, or the amount of, any subsidy for the regular housing charge. Therefore, the Board does not have jurisdiction to interfere with or assess the reasonableness for the removal of the rent subsidy. The order therefore contains no error with respect to its findings.
8. Although the tenancy agreement between the parties makes no mention of a rent subsidy being included in the rent, the parties agreed that this subsidy has been provided to the Tenants since 2020 and that the Tenants have taken advantage of and /or used this subsidy throughout the last several years. Therefore, in accordance with section 202 of the Act, I find that the parties agreed to have the rent subsidy applied to the rental unit.
9. The Tenant's representative at the review hearing also raised a concern with the discrepancies in paragraphs 3 and 12 of the Board's order. In paragraph 3, the Board states that the current monthly rent is \$2,387.00 per month, whereas in paragraph 12, the order states that the current rent is \$2,645.00 per month. I find that this is a clerical error only and not a serious, material or overriding error as the monthly rent and arrears are calculated based on the lesser amount (\$2,387.00), which is also the lawful rent plead on the application. Therefore, there was no error in the Member's calculations of the arrears owing.
10. As such, there is no error in the November 17, 2025, Board order or the calculations with respect to the lawful rent / arrears owing. The request for review must therefore be denied. As the arrears have only increased since the review request was filed, the stay of the order will be lifted immediately.

It is ordered that:

1. The request to review order LTB-L-062961-25 issued on November 17, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on November 28, 2025, is cancelled. The stay of order LTB-L-062961-25 is lifted immediately.

April 13, 2026
Date Issued

Fabio Quattrociocchi
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.