



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

Citation: Gauthier v Elliot-Davis, 2026 ONLTB 30072

Date: 2026-04-10

File Number: LTB-L-098200-25-RV

In the matter of: B, 15 SOLVA DR
Ottawa ON K2H5R4

Between: Charles Gauthier Landlord
Tamara Bloom

And

Heather Elliot-Davis Tenant

Review Order

Charles Gauthier and Tamara Bloom (the 'Landlord') applied for an order to terminate the tenancy and evict Heather Elliot-Davis (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-098200-25 issued on March 23, 2026.

On March 31, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. The Tenant submits that the Member failed to consider evidence that was properly filed with the LTB.
2. At the hearing the Tenant sought to submit evidence that had not been previously served or filed. The Member permitted the Tenant to email the evidence during the hearing. However, as noted at paragraph 13 of the order, the evidence submitted was not accessible. The Member advised the parties that she would decide this matter based on the accessible evidence but would extend the termination date to February 28, 2026 to give the Tenant an opportunity to provide documents to the Landlord showing that payments were made to the Landlord by a third party.
3. In the review request the Tenant treats the extended termination date of February 28, 2026 as a deadline to provide information to the LTB. The Tenant submits that on February 27, 2026 a representative of the Tenant uploaded a document entitled "Master

Evidence” and this was not considered by the Member. This document was not considered by the Member because it was a post-hearing submission and the Member had not directed that either party give any post-hearing submissions. The evidence was not considered by the Member because it had not been submitted either prior to, or at, the hearing.

4. The Tenant submits that the order does not accurately reflect the monthly rent. The Tenant did not raise any issue regarding the monthly rent at the hearing. The Tenant submits that there is an email from the Landlord dated September 1, 2025 where the Landlord acknowledges the rent is \$1,200.00. This email was not submitted as evidence in the hearing; it is part of the package that the Tenant’s representative submitted after the hearing. Because the issue of the monthly rent was not raised at the hearing and the Tenant’s document to support that it is incorrectly stated was submitted after the hearing, I am not satisfied that it was a serious error for the Member to state in the order that the rent is \$2,350.00.
5. The Tenant submits that one of her documents that was submitted after the hearing confirms that a third party made a substantial payment to the Landlord. As explained above, it was not an error for the Member not to consider a document that was not submitted prior to, or at, the hearing.
6. The Tenant submits that the amount of arrears stated to be owed in the order is incorrect because the monthly rent is incorrectly stated and payments by a third party were not accounted for. The documents upon which the Tenant relies to make these submissions were not provided to the LTB until after the hearing. If these amounts are incorrect it is not through any error of the LTB; it is because the Tenant did not provide these documents until after the hearing.
7. The Tenant submits that after the hearing they were approved for a certain form of social assistance and so they will be in a better position to pay the rent. The Tenant submits that this is new evidence.
8. New evidence is only a ground for review in situations where the new evidence was material to the issues in the hearing and where it was not available on the date of the hearing with the exercise of due diligence. In this case the Tenant seeks to adduce evidence of an event that took place after the hearing. This evidence could not have been given at the hearing because it did not exist at that point and so it would not have been material evidence at the hearing. The purpose of new evidence as a ground for review is not to capture updates about a party’s circumstances or updates about new events that occurred after a hearing. Board decisions are final. To find that a new hearing is required whenever there is an update to a party’s circumstances, or a new event occurs, would interfere with the Board’s ability to provide final decisions.
9. 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.

It is ordered that:

1. The request to review order LTB-L-098200-25 issued on March 23, 2026 is denied. The order is confirmed and remains unchanged.

April 10, 2026
Date Issued

Renée Lang
Vice Chair, 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.