



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

Citation: Russell v HARTWICK, 2026 ONLTB 30192

Date: 2026-04-14

File Number: LTB-T-083086-24-RV

In the matter of: 636 15 HWY S
Lombardy ON K0G1L0

Between: Janet Russell Tenant
Davian Russell

And

Frederick Hartwick Landlord
William Hartwick

Review Order

Janet Russell and Davian Russell (the 'Tenant') applied for an order determining that Frederick Hartwick and William Hartwick (the 'Landlord') :

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.
- withheld or interfered with their vital services or care services and meals in a care home.
- failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was resolved by order LTB-T-083086-24 issued on March 18, 2026.

On March 30, 2026, the Representative requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. Most of the Landlord's request to review restates the Landlord's position on issues that were raised and addressed at the original hearing and voices their disagreement with the Member's determinations.
2. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented.

The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance. There is nothing in the record or in the request for review to support a determination that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality.

TSL-51694-14-IN-RV (Re), 2015 CanLII 23959 (ON LTB) at para 10

3. The Landlord's disagreement with the Member's determinations is not sufficient grounds for review. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.
4. The Landlord also alleges that the calculation of the rent abatement is incorrect. I disagree. The order provides for a 20% rent abatement from May 1, 2024 to June 27, 2025, the calculation of which is as follows:

$(\$1,200.00 \text{ monthly rent} \times 13 \text{ months} \times 20\% = \$3,120.00) + (\$1,200.00 \text{ monthly rent} \times 12 \text{ months} \div 365 \text{ days} \times 27 \text{ days} \times 20\% = \$213.03) = \$3,333.03$

5. I see no errors with respect to this calculation.
6. As a result, 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 Landlord was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-T-083086-24 issued on March 18, 2026 is denied. The order is confirmed and remains unchanged.

April 14, 2026
Date Issued

Richard Ferriss
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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