



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

Citation: Carnggie v Bonsu, 2026 ONLTB 31663

Date: 2026-04-20

File Number: LTB-T-077532-25-RV

In the matter of: 115 Woolacott Lane
Bowmanville Ontario L1C7H1

Between: Derese Carnegie Tenant

And

Bernice Bonsu Landlord

Review Order

Derese Carnegie (the 'Tenant') applied for an order determining whether the *Residential Tenancies Act, 2006* (the 'Act') applies. (A1 Application)

Further, the Tenant applied for an order determining that Bernice Bonsu (the 'Landlord') altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenant replacement keys, and harassed, obstructed, coerced, threatened or interfered with the Tenant. (T2 Application)

This application was resolved by order LTB-T-077532-25 issued on October 15, 2025.

On November 15, 2025, the Tenant's Representative requested a review of the order and that the order be stayed until the request to review the order is resolved.

On November 27, 2025, interim order LTB-T-077532-25-RV-IN was issued, staying the order issued on October 15, 2025.

This application was heard by videoconference on December 18, 2025.

The Landlord, the Tenant's support Megan Ross and the Tenant attended the hearing.

Determinations:

1. The order issued on October 15, 2025, had dismissed the Tenant's A1 application, and also the Tenant's T2 application on the basis that the unit was exempt from the Act in accordance with s. 5(i) of the Act.
2. The Presiding Member made the following findings:

- a) The Tenant rented a basement unit with two other individuals wherein he and the two other individuals had been sharing a kitchen and bathroom with the Tenant;
 - b) The Landlord lived in the upstairs of the residential complex;
 - c) Due to the evidence provided by the Landlord and based on the testimony of both the Landlord and her witness, found that the Tenant's roommate, Ben, was the Landlord's son and as such, s. 5(i) does not apply.
3. The Tenant in his request to review outlines that he believes the order contains a serious error because;
 - a) s. 5(i) excludes the Act only where the Tenant is *required* to share accommodations with the Landlord's immediate family;
 - b) The Presiding Member erred by not considering all of the Tenant's evidence, and accepted the Landlord's birth certificate evidence;
 - c) The Tenant was muted by the Presiding Member;
 - d) The Presiding Member relied upon hearsay evidence.
4. 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 Tenant was not reasonably able to participate in the proceeding.
5. Having listened to the hearing recording, the Presiding Member asked the Tenant to start leading evidence with respect to his A1 application. In his evidence the Tenant meant to show the Presiding Member a copy of the Facebook Marketplace Ad which stated that the Tenant would be renting the entire basement unit. The document the Tenant shared showed that the Tenant was renting a private room.
6. The Landlord then testified that one of the other tenants living in the basement unit is her son "Ben", while the other individual is her nephew. The Landlord testified that the residential complex is a family home.
7. The Presiding Member asked the Landlord on the record how would she know that "Ben" was her son. The Landlord responded that her witness would confirm same.
8. The Tenant then protested saying that he did not believe that "Ben" was the Landlord's son and had no idea until that day. He testified that he had a recording of the other tenant stating that they were "family friends". This recording was not entered into evidence however, the Presiding Member brought up the point that the recording was with the other tenant, not the tenant purported to be the Landlord's son.
9. The Landlord's witness then testified that he is the Landlord's cousin and has known her all of his life. He testified that "Ben" was the Landlord's son. The Tenant was given the opportunity to cross-examine this witness but did not avail himself of the opportunity however, the Tenant continued to protest the Presiding Member's finding that the Act does not apply.

10. It was at this point where the *Tenant* and not the Landlord actually suggested having the Landlord provide a copy of “Ben’s” birth certificate to the Board to support the Landlord’s evidence. The Landlord was given 10 minutes and provided an e-mailed copy of the birth certificate to the Board. The Tenant asked the Presiding Member if the birth certificate had outlined that the Landlord was “Ben’s” mother, to which she replied that it did.

11. Guideline 8 of the Board’s *Interpretation Guidelines*, states:

Serious error includes:

- *An error of jurisdiction. For example, the order relies on the wrong section of the RTA or exceeds the LTB’s powers. This issue need not have been raised in the original hearing;*
- *A procedural error which raises issues of natural justice;*
- *An unreasonable finding of fact on a material issue which would potentially change the result of the order;*
- *New evidence which was unavailable at the time of the hearing and which is potentially determinative of one or more central issues in dispute;*
- *An error in law. The LTB will not exercise its discretion to review an order interpreting the RTA unless the interpretation conflicts with a binding decision of the Courts or is clearly wrong and unreasonable; and ,*
- *An unreasonable exercise of discretion which results in an order outside the usual range of remedies or results and where there are no reasons explaining the result.*

12. Having reviewed the hearing recording, I find that the Tenant had been afforded procedural fairness in the hearing. The Tenant was in fact never muted and was given ample opportunity to present relevant evidence to support his A1 application. He was given the opportunity to cross-examine both the Landlord and her witness and had even suggested to the Presiding Member that the Landlord provided the other tenant’s birth certificate.

13. While the Presiding Member did not specifically listen to the Tenant’s recording, she correctly determined its probative value by determining that the recording was from the other tenant who had allegedly admitted that they were “family friends”.

14. Section 202 of the Act states that the Board shall ascertain the real substance of all transactions and activities related to a residential complex. Section 183 states that the Board shall adopt the most expeditious method of determining the questions arising in a proceeding that affords all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter.

15. The Tenant suggested himself that the Landlord should present the birth certificate in confirming the Presiding Member’s finding that the Act did not apply. As such, I find that there was no procedural irregularity by the Presiding Member and requesting and

reviewing same in making the determination that s. 5(i) of the Act applies within the agreement between the Landlord and the Tenant.

16. As such, the Tenant's request to review is denied.

It is ordered that:

1. The request to review order LTB-T-077532-25 issued on October 15, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on November 27, 2025, is cancelled. The stay of order LTB-T-077532-25 is lifted immediately.

April 20, 2026

Date Issued

Jagger Benham

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.