



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

Citation: Li v Fisher, 2026 ONLTB 25573

Date: 2026-04-17

File Number: LTB-L-005489-25-RV

In the matter of: 35 WALTER TUNNY CRES
EAST GWILLIMBURY ON L9N0R4

Between: Wei Li Landlord

And

Michael Fisher Tenant
Lindsey Chown
John Fisher

Review Order

Wei Li (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Fisher, Lindsey Chown and John Fisher (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-005489-25 issued on March 27, 2026.

On April 15, 2026, the Landlord 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 Landlord alleges that they were not reasonably able to participate in the proceeding because they were ill on the hearing date.
2. The Landlord was represented at the hearing by their legal representative. The Landlord's legal representative did not seek an adjournment on account of the Landlord's illness.
3. 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

4. The Landlord, through their legal representative, elected to proceed with the hearing in the absence of the Landlord. To permit a review on the basis that the Landlord did not attend would be giving the Landlord an opportunity to present a better or different case than at first instance which is contrary to the Guideline.
5. The Landlord also alleges serious errors in the order, however, the alleged errors are based on documentation (i.e. amendment to lease agreement) that was not before the Board.
6. Interpretation Guideline 8 - Review of an Order states:

Parties are expected to make every effort to produce all relevant evidence in support of their positions in the original hearing. The review will be dismissed unless the LTB is satisfied the new evidence could not have been produced at the original hearing, is material to the issues in dispute and its consideration could change the result. *First Homes Society v Henry*, [2002] O.J. No. 1754, (Div Ct.); [NOL-16865-14-RV\(Re\)](#), 2014 CanLII 78539 (ON LTB).
7. There is no suggestion that the documentation the Landlord now wishes to rely on could not have been produced at the original hearing.
8. The Landlord also alleges that the order contains a serious error with respect to its consideration of section 136 of the Act.
9. Having listened to the hearing recording, I do not find it necessary to determine this point. The reason for this is that the Landlord did not provide any evidence at the hearing with respect to the amount of the lawful rent. The only evidence before the Board with respect to the amount of the lawful rent was the text message between the parties with respect to increasing payments from \$2,300.00 per month to \$2,380.00 per month. As a result, there was no basis upon which the Board could determine the rent to be \$3,300.00 as claimed by the Landlord. Section 136 of the Act has no application to the facts of this case. As a result, any errors in the order with respect to section 136 are inconsequential and would not constitute a serious error.
10. 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 the Landlord was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-005489-25 issued on March 27, 2026 is denied. The order is confirmed and remains unchanged.

April 17, 2026
Date Issued

Richard Ferriss
Member, Landlord and Tenant Board

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