



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

File Number: LTB-T-062609-22, LTB-L-029058-23, LTB-T-046197-23-RV

In the matter of: Basement Unit, 467 BELGREEN WAY
WATERLOO ON N2L5X6

Between: Nancy Hainsworth Tenant
Andrew Sieminski

And

Bright Girentsi annku Landlord
Heinz Otchere

Review Order

Bright Girentsi Annku (the 'Landlord') applied for an order to terminate the tenancy and evict Nancy Hainsworth and Andrew Sieminski (the 'Tenant') because the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year (LTB-L-029058-23 – L2 Application)

The Tenant applied for an order determining that the Landlord:

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenants or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenants (LTB-T-062609-22 – T2 Application)

The Tenant applied for an order determining that the Landlord 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. (LTB-T-046197-23 – T2 Application)

This application was resolved by order LTB-T-062609-22, LTB-L-029058-23, LTB-T-046197-23 issued on April 16, 2026.

On April 16, 2026, the Landlord requested a review of the order.

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

Determinations:

1. The Board found that the Tenant proved some of the allegations on their applications. The Landlord's eviction application was dismissed because the Landlord is in serious

breach of their responsibilities under the Act and therefore mandatory refusal of eviction pursuant to section 83(3)(a) applies. The serious errors alleged by the Landlord can be summarized as follows:

1. The Landlord submits that the order made a serious error by not considering police report evidence.
 2. The Landlord submits that it was a serious error for the Board to not consider that the Landlord's peace bond was withdrawn.
 3. The Landlord submits that the Board made a serious error by not referencing or analysing their submissions that the audio recordings relied upon by the Tenant were altered or edited.
 4. The Landlord submits that the Board did not meaningfully engage with the evidence they provided in response to the Tenants' claim of harassment and substantial interference with the reasonable enjoyment of the rental unit.
 5. The Landlord submits that the Board failed to properly apply section 83 of the Act by not meaningfully considering the Landlord's circumstances and that the Board's finding that the Landlord was in serious breach of the Act was unreasonable.
 6. The Landlord disagrees with the Board's findings regarding why the Landlord installed a camera in the residential complex.
 7. The Landlord submits that the failure to address material evidence and credibility challenges undermines the procedural fairness of the proceedings.
2. 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.
 3. In *So v. Canadian Mental Health Association, Toronto Branch*, 2024 ONSC 3371 (Div. Ct.) (CanLII), the Divisional Court affirmed that a person who requests a review of an order must give "sufficient information to support a preliminary finding of an alleged serious error or an explanation why the requestor was not reasonably able to participate in the hearing", per Rule 26.8 of the Board's Rules of Procedure. The Landlord has not done so in this case.

Police Reports

4. The Landlord states that they submitted police reports that document interactions between the parties. The Landlord states that the police evidence includes reports that the Tenant Andrew Sieminski ('A.S') engaged in unreasonable and mischievous conduct and was arrested. The Landlord submits that the order made a serious error by not considering the police report evidence.

5. The Landlord states generally that the reports were relevant to the credibility of the Tenant A.S, the context and nature of the disputes between the parties, and whether harassment was one-sided or a mutual conflict. The Landlord's submissions in this regard are very vague. The Landlord attaches numerous police reports to the review request but does not make clear what specific allegations each report is relevant to or what specific findings in the order the reports would change. Other than a general statement that the reports establish that the Tenant has engaged in "unreasonable and mischievous" conduct the Landlord does not make clear what specifically the reports are supposed to establish.
6. The Landlord says that the reports are relevant to the Tenant A.S credibility without elaborating on how. Is there a specific statement in the reports that is contrary to something the Tenant said at the hearing? It would have been a serious error for the Board to find that simply because the Tenant has had interactions with the police and has been arrested in the past that all the Tenant's testimony should have been rejected. The failure to not do that, is not a serious error. The Board assessed the evidence of the parties and arrived at a decision on each individual issue raised.
7. The Board's findings were based on the viva voce testimony of the parties. The Landlord also does not make clear why the hearsay evidence in the police reports would have changed the outcome of the order.
8. For those reasons I'm not satisfied that the Landlord has provided sufficient information to support that the Board not considering the police reports constitutes a serious error.

Peace Bond

9. The Landlord states that at paragraph 134 in the order the Board relies on the existence of a peace bond against the Landlord to support a finding of harassment. However, the Landlord says that they testified that the peace bond was withdrawn and that it was a serious error for the Board not to consider this. The Criminal Courts do not determine whether the Landlord harassed the Tenant within the meaning of the *Residential Tenancies Act, 2006* ('the Act'). The Board does. While the Board does note that a peace bond has been issued, the Board also notes that the Landlord's criminal charges are still pending before the Court. I'm not satisfied that the Board solely relied on the existence of a peace bond to support its finding that the Landlord harassed the Tenant or that considering that the criminal charges were withdrawn would change the outcome of the order. Paragraphs 98 to 106 and 133 to 134 outline the substantial evidence the Board based its finding of harassment on.

Audio Recordings

10. The Landlord states that the Tenant relied on audio recordings to support their harassment claim. The Landlord states that during the hearing they raised concerns that the audio has been altered or selectively edited. The Landlord submits that the Board made a serious error by not referencing or analysing these concerns.

11. The Landlord does not make clear in the review request what audio evidence they are referring to or which of the numerous incidents of harassment the audio relates to. The Landlord also provides no details about what specific alterations were made to the audio? What portion of what audio was altered? What has been left out or changed? The Landlord also does not make clear what in the order would have changed had the Board considered the submission about altered audio. The Landlord says generally that their claim about altered audio goes to the “reliability of key evidence relied upon by the Board” without identifying that key evidence.

The Landlord's Evidence

12. The Landlord submits that the Board did not meaningfully engage with the evidence they provided in response to the Tenants' claim of harassment and substantial interference with the reasonable enjoyment of the rental unit ('T2 application').
13. The order does address evidence provided by the Landlord. The Landlord's statement about what evidence was not considered is vague. The Landlord says that they provided testimony responding to each allegation, counterevidence addressing specific incidents, and context regarding the escalating and mutual nature of the conflict. The Landlord has not provided information about what specific evidence was not considered for example what specific testimony, what specific documentary evidence, or explained how it could change the outcome of the order. The Landlord's general allegation that their evidence was not considered is insufficient to support a review request.

Section 83 of the Act

14. The Landlord submits that the Board failed to properly apply section 83 of the Act by not meaningfully considering the Landlord's circumstances for example financial hardship etc. While I agree with the Landlord that their circumstances would have been relevant to the Board's decision to grant discretionary relief from eviction under section 83(1) of the Act, section 83(3) of the Act establishes circumstances in which eviction must be refused. Refusal of eviction was mandatory after the Board determined that the Landlord was in serious breach of their responsibilities under the Act.
15. The Landlord submits that the Board's finding that the Landlord engaged in “very intense, egregious, and ongoing harassment” was unreasonable. At paragraphs 130 to 137 the Board provides sufficient reasons for its finding. The Board's finding is rationally connected to the evidence led at the hearing and I'm not satisfied that the Board applied improper principles in assessing the evidence introduced.
16. The Landlord's submissions regarding the serious breach finding are largely an attempt to reargue an application that has been finally determined. That is not the purpose of a review request. The Divisional Court in *Browne v. Henley Crescent*, 2026 ONSC 455 recently concluded that the Board made an error in law in conducting a review in the absence of a serious error. As in that case, the decision under review has the hallmarks of a reasonable decision. Disagreeing with a result is not sufficient to make a decision irrational. As the Supreme Court of Canada has pointed out, reasonable people can

disagree; the fact that they do is not sufficient to make a decision unreasonable: see Canada (*Minister of Citizenship and Immigration*) v. *Vavilov*, 2019 SCC 65, at para. 83.)

Camera

17. The Board finds at paragraph 134 that the Landlord's installation of a camera at the end of the rental complex driveway was escalation and continuation of their harassment of the Tenant. The Landlord states in the review request that the purpose of the camera was to gather evidence at the recommendation of the police. While it's clear that the Landlord disagrees with the Board's decision, the Landlord does not make clear how the Board's decision about the camera constitutes a serious error.

Procedural Fairness

18. The Landlord submits that the failure to address material evidence and credibility challenges undermines the procedural fairness of the proceedings. As the Landlord has provided insufficient information about what specific evidence was not considered (other than the few examples addressed above), or how it would change the outcome of the proceeding, I'm not satisfied that the Landlord has provided sufficient information to support a finding that they were denied procedural fairness.

It is ordered that:

1. The request to review order LTB-T-062609-22, LTB-L-029058-23, LTB-T-046197-23 issued on April 16, 2026 is denied. The order is confirmed and remains unchanged.

April 20, 2026

Date Issued

Amanda Kovats

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.