



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

Citation: Janzen v Baird, 2026 ONLTB 32581

Date: 2026-04-21

File Number: LTB-T-001306-26-RV
LTB-T-109372-25-RV

In the matter of: BSMT, 1610 HERITAGE WAY
OAKVILLE ON L6M2Z5

Between: Julia Janzen Tenant

And

Daniel Baird Landlord
Debra Baird

Review Order

Julia Janzen (the 'Tenant') applied for an order to determine whether the *Residential Tenancies Act, 2006* (the 'Act') applies (**A1 Application**).

The Tenant also applied for an order determining that the Landlords (**T2 Application**):

- entered the rental unit illegally.
- 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.

These applications were resolved by order LTB-T-001306-26 and LTB-T-109372-25 issued on April 8, 2026.

On April 18, 2026, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant alleges that the Member committed a serious error by misapplying the legal test under section 5(i) of the *Residential Tenancies Act, 2006*, the ("Act"), failing to analyze whether the Landlord resided in the same property, failing to provide sufficient reasons, and improperly relying on the Landlord's intentions under section 202 of the Act.
2. I am not satisfied that a serious error has been established. Section 5(i) of the Act provides that the Act does not apply where an occupant is required to share a bathroom or kitchen facility with the owner, and the owner resides in the property.

3. The Member provided sufficient reason explaining why the Landlord's evidence was preferred and what evidence was relied upon. Paragraph 10 of the order indicates that the Landlord testified that the residential complex continues to be his home and that he continues to use the basement bathroom and store items in the freezer. This evidence was not disputed by the Tenant. Accordingly, the Member's findings support the conclusion that the exemption in section 5(i) applies.
4. The Member identified and applied the correct statutory provisions and made findings that the Tenant shared facilities with the Landlord, in this case, the bathroom, based on the totality of the evidence, including the Landlord's ongoing access, use of facilities, and the Tenant's inability to exclude them.
5. 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.

6. The findings of fact and credibility are entitled to considerable deference and cannot be reweighed on review. The Tenant's submissions amount to a disagreement with the Member's findings and an attempt to have the evidence reweighed, which is not a proper basis for review. There is no indication that the Member applied improper principles in assessing the evidence or that the conclusions reached were unsupported by the evidence.
7. As a result, based on the submissions made in the request, I am not satisfied that the order contains a serious error. Accordingly, the Tenant's request for review is denied.

It is ordered that:

1. The request to review order LTB-T-001306-26 and LTB-T-109372-25-RV issued on April 8, 2026 is denied. The order is confirmed and remains unchanged.

April 23, 2026
Date Issued

Mayra Sawicki
Member, 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.