



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

Citation: Delos Santos v Kramer, 2026 ONLTB 34645

Date: 2026-04-28

File Number: LTB-L-096558-25-RV2

In the matter of: MAIN UNIT, 87 RUNDLE CRESCENT
BARRIE ON L4N8E6

Between: Sonny Delos Santos Landlord
Adelaida Lazaro

And

David Kramer Tenant

Review Order

Sonny Delos Santos and Adelaida Lazaro (the 'Landlord') applied for an order to terminate the tenancy and evict David Kramer (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-096558-25 issued on February 5, 2026 ('the hearing order').

On February 26, 2026, the Tenant requested a review of the hearing order.

The Tenant's review request was resolved by order LTB-L-096558-25-RV issued on April 23, 2026 ('the review order').

On April 27, 2026, the Landlord requested a review of the review 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. At the review hearing the Tenant withdrew his review request. The review order delays lifting the stay of the hearing order until May 14, 2026, to provide the Tenant with time to find alternative living arrangements.
2. The Landlord submits that the parties had a consent agreement that the review request would be withdrawn and that the stay would be lifted no later than April 30, 2026. The Landlord submits that the Board Member inappropriately intervened by suggesting to the Tenant that he should proceed with his review, questioning whether he received proper

legal advice from duty counsel, and engaging with the Tenant in discussions about relief from eviction. The Landlord submits that it was a serious error for the Board Member to fail to give effect to a binding consent resolution, did not give the Landlord an opportunity to make submissions or lead evidence about the hardship they would experience from the order issued, and was biased against the Landlord.

3. 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.
4. The Board does not simply approve consent agreements without thought or consideration. The Board Member had an obligation to ensure that both parties understood the terms of the consent, understood the consequences, and that the consent agreement was reasonable in the circumstances. The recording reflects that the Board Member had reasonable and genuine concerns that the Tenant might not understand the hearing process or the terms of the consent. The Tenant indicated that he had been informed he would not be successful if he proceeded with his review. The recording reflects that the Board Member was attempting to canvass whether the Tenant genuinely wished to withdraw the review request and understood that meant he would be evicted. The Board Member made no serious errors in doing so.
5. The Supreme Court in *R. v. S. (R.D.)*, [1997] 3 SCR 484 at paragraphs 109, 112, and 113, establishes that when it is alleged that a decision-maker is not impartial, the test that must be applied is whether the conduct gives rise to a reasonable apprehension of bias. Mere suspicion is not enough. A real likelihood or probability of bias must be demonstrated. The Court also states that the threshold to establish bias is high. The Court of Appeal in *Bailey v. Barbour*, 2012 ONCA 325 establishes that the legal test of a reasonable apprehension of bias is “whether an informed, reasonable and right minded person, viewing the matter realistically and practically, and having thought the matter through, would conclude that it was more likely than not that the trial judge would not decide fairly.”
6. There is nothing in the hearing recording or order that supports a finding that an informed and reasonable person would conclude that there was a reasonable apprehension of bias in this case. The Board Member was exercising the duty required of them to ensure that both parties, including the self-represented one, understood the consequences of withdrawing the review and that the Tenant actually wanted to do so.
7. At approximately 1:37:35 on the hearing recording the Board Member asked the Landlord whether “there was any hope of a delay in lifting the stay”. At 1:39:25 the Landlord’s representative indicated that the stay should be lifted immediately if an application is withdrawn. The Landlord was given an opportunity to provide submissions on delaying lifting the stay. I’m not satisfied that the Landlord was denied a procedurally fair hearing.

It is ordered that:

1. The request to review order LTB-L-096558-25-RV issued on April 23, 2026 is denied.
The order is confirmed and remains unchanged.

April 28, 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.