



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

Citation: Bergeron v TRUNG, 2026 ONLTB 34072

Date: 2026-04-27

File Number: LTB-T-087896-24-RV

In the matter of: 14 Wyper Square
Scarborough ON M1S0B3

Between:	David Sylvain Andre Bergeron	Tenant
And		
	Khang Nguyen Trung	Landlord

Review Order

David Sylvain Andre Bergeron (the 'Tenant') applied for an order determining that Khang Nguyen Trung (the 'Landlord'):

- 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.

The Tenant also 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.

This application was resolved by order LTB-T-087896-24 issued on March 25, 2026.

On April 24, 2026, the Tenant 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.

Determinations:

1. The Tenant filed this review request on the basis of serious error. For the reasons set out below, the review request is denied.
2. The Tenant disagrees with the order issued and seeks to reargue his position. In the request, the Tenant reiterates his submission that the tenancy agreement is not exempt from the *Residential Tenancies Act, 2006*, the ("Act"), asserting that his extended

occupancy on multiple occasions created a tenancy agreement covered under the Act. He further submits that he paid a higher rent for the use of the unit and that, although he intended to purchase a condominium, no definitive date was established. These issues were considered and addressed in paragraphs 6 to 8 of the order. The Tenant's request amounts to an attempt to relitigate matters previously determined and does not disclose a serious error.

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 Tenant's disagreement with the Member's determinations is not sufficient grounds for review. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.
5. The Tenant also submits that the Canada Revenue Agency (CRA) defines a short-term rental as a residential property that is rented or offered for rent for a period of less than 90 consecutive days. However, the CRA's definition of a short-term rental is not binding on the presiding Member. There is also no evidence that this issue was raised before the presiding Member or that it was not considered. Accordingly, this submission does not disclose a serious error.
6. 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.

It is ordered that:

1. The request to review order LTB-T-087896-24 issued on March 25, 2026 is denied. The order is confirmed and remains unchanged.

April 29, 2026
Date Issued

Mayra Sawicki
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.