



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

Citation: Reid v Capreit Limited Partnership, 2026 ONLTB 35292

Date: 2026-04-30

File Number: LTB-T-003005-26-RV

In the matter of: 1707, 330 Spadina Road
Toronto ON M5R2V9

Between: Barbara Reid Tenant
Sara David
Peter Douglas
D'Arcy McKeown
Fran Griffin
Christopher Marston
Francine Robitaille
Matthew Grove
Matthew Grove
Kimberly Thompson
William Barker
Andrea Williams
Mary Jane Lovering
Eileen Berger
David Berger
Denise Rogul
Annabel Magennis
Sheilagh McGee
Lisa Chapnick
Jerry Organ
Anita Tami Kligman
Samuel Holtzman
Beverley Holtzman
Mirian Jacobson
Alf Walker
Teryl Pearlman
Lil Pearlman
Mindy Pearlman
Nancy Gold
Michael Green
Maureen Spencer
Mary F Kennedy

And

Capreit Limited Partnership

Landlord

Review Order

Barbara Reid, Sara David, Peter Douglas, D'Arcy McKeown, Fran Griffin, Christopher Marston, Francine Robitaille, Matthew Grove, Matthew Grove, Kimberly Thompson, William Barker, Andrea Williams, Mary Jane Lovering, Eileen Berger, David Berger, Denise Rogul, Annabel Magennis, Sheilagh McGee, Lisa Chapnick, Jerry Organ, Anita Tami Kligman, Samuel Holtzman, Beverley Holtzman, Mirian Jacobson, Alf Walker, Teryl Pearlman, Lil Pearlman, Mindy Pearlman, Nancy Gold, Michael Green, Maureen Spencer and Mary F Kennedy (the 'Tenant') applied for an order determining that Capreit Limited Partnership (the 'Landlord') :

- withheld or interfered with their vital services or care services and meals in a care home.

This application was resolved by order LTB-T-003005-26 issued on March 23, 2026.

On April 17, 2026, the Tenant, Barbara Reid, 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 review request is filed on the basis that the order contains a serious error. The Tenant submits that she does not have legal experience with LTB matters affecting the outcome of the proceeding, that tenants handwritten temperate readings were not considered, and expresses an overall disagreement with the order.
2. With respect to the Tenant's submission that she lacks a legal background in LTB matters and was not aware on how to properly file evidence, this does not constitute sufficient grounds for review. Parties are presumed to be familiar with the Board's basic processes, such as introducing evidence. Any party that has such a lack of familiarity with the Board's process that their ability to participate in the proceedings is impaired should obtain legal advice or representation. I note that, at the outset of the hearing, the Member advised the tenants in attendance, that Barbara Reid (BR) is not a licensed legal representative. Despite this, the tenants permitted BR to continue to speak on their behalf. This does not constitute an error of the Board.
3. With respect to the allegation that the handwritten temperature readings were not considered. Paragraph 11 of the order confirms that the evidence was considered. The audio recording further confirms that the tenants did not contact the Landlord each time they experienced low heat. The hearing recording also indicated that 6 of the 9 logs, the tenants were not present to provide direct testimony. While BR referenced the logs, she did not provide detailed testimony regarding the dates or specific temperature readings for each unit. In the circumstances, the weight given to the logs was reasonably assessed by the Member. This does not establish that the Member failed to consider relevant evidence or committed a serious error.

4. The remaining allegations in the request reflect the Tenant's disagreement with the order and raise issues with various aspects of the Member's findings.
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. In the request, the Tenant appears to seek to introduce new evidence. While new evidence can be a valid ground for review but only where the evidence was not available on the date of the hearing with the exercise of due diligence. The new evidence the Tenant seeks to rely on is dated December 4, 2025 to January 23, 2026, and was therefore available prior to the hearing. The Tenant's failure to present this evidence at the hearing does not constitute an error of the Board.
8. The Tenant also refers to other issues discussed with the Landlord. However, these issues were not before the Board in this application and were therefore not considered in the order. As such, they do not establish an error.
9. 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-003005-26 issued on March 23, 2026 is denied. The order is confirmed and remains unchanged.

April 30, 2026
Date Issued

Mayra Sawicki
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.