



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

Citation: Ottawa Community Housing Corporation v Charette, 2026 ONLTB 35672

Date: 2026-05-04

File Number: LTB-L-099065-25-RV

In the matter of: 320, 1400 LEPAGE AVE
OTTAWA ON K1Z8N5

Between: Ottawa Community Housing Corporation Landlord

And

Dave Junior Charette Tenant

Review Order

Ottawa Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Dave Junior Charette (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.
- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex.
- the Tenant HAS knowingly misrepresented the Tenant's income or the income of other members of the Tenant's household.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

The Landlord also applied for an order requiring the Tenant to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

This application was resolved by order LTB-L-099065-25 issued on March 18, 2026.

On April 30, 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 as well as the audio recording for this hearing.

Determinations:

Request to extend time

1. The Tenant's request to extend the time to file a review is granted.

Review request

2. The request for review alleges that the order contains a serious error and that the Tenant was not reasonably able to participate in the March 12, 2026 proceeding.
3. The order under review was issued on consent of the parties. The Landlord's legal representative, the Tenant, and the Tenant's legal representative attended the hearing. The order terminates the tenancy and requires the Tenant not to engage in behaviour that includes the playing of loud music, yelling, or leaving debris in the hallway.
4. The Tenant states that they were not reasonably able to participate in the consent agreement because he entered into the agreement out of fear of being immediately evicted and due to brain damage from past abuse.
5. The Tenant further states that he has changed his behaviour and no further complaints have been filed against him. If he is evicted, he would lose his subsidy. In the event that the review is not granted, he requires additional time to vacate the unit.
6. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order, that a serious error occurred in the proceedings, or that the Tenant was not reasonably able to participate in the proceeding.
7. The Tenant attended the hearing with the support of their legal representative and actively participated in the proceeding. At the hearing, the Tenant stated that he would have preferred to stay in the unit and felt pressured to agree to the order. The hearing recording reflects that the presiding Member did not accept the consent and provided the Tenant a further opportunity to have a private conversation with his legal representative. Approximately 14 minutes later, the Tenant and his legal representative returned and entered into the consent agreement. The order accurately captures the terms agreed upon by the parties and the recording reflects that the Tenant consented to the order. Nothing in the hearing recording supports a finding that the Tenant was not reasonably able to participate in the proceeding or that procedural errors occurred.
8. In *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807, the Divisional Court affirmed, at paragraph 11, that "it is incumbent on a party [who claims they were incapable of participating in the hearing] to raise the issue with the tribunal, or for there to be a basis on which the claim of incapability is grounded objectively in events at the hearing".

9. In *Sutton v. Patterson and Morrow*, 2021 ONSC 1403, the Divisional Court at paragraph 6 affirmed that a party who has a procedural fairness concern is obligated to make their objections known, not wait until the appeal to raise their fairness concerns.
10. The hearing recording reflects that the Tenant did not raise that they lacked understanding or capacity to consent to the order. Nor is there anything in the recording on which the claim of incapacity is grounded objectively in events at the hearing. There were insufficient circumstances before the presiding Member to justify scrutinizing the agreement or denying the order sought. The hearing recording further reflects that the Tenant's representative also confirmed that the Tenant understood the terms of the order.
11. The Divisional Court has stated that "parties ought not to be easily able to revisit Board orders that have been made on consent. The effective resolution of matters that come before the Board will be greatly impaired if parties can continually seek to revisit issues that they have earlier agreed to resolve." (*Trust Construction Corporation v. McKie*, 2017 ONSC 4702)
12. The Divisional Court also stated that "The policy of the courts is to promote settlement. The discretion to refuse to enforce a settlement should be exercised rarely...agreements, and joint submissions, are serious and they should not be easy to simply overturn. To allow parties, after the fact, to raise claims they could have or allow second thoughts after an agreement is struck would cause unnecessary waste on our Tribunals and Courts. No one, even with an order, would feel safe to rely on what has been agreed to. This would not be a just result." (*Gent v. IMH Pool III LP*, 2017 ONSC 7230 CanLII)
13. 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 or that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-099065-25 issued on March 18, 2026 is denied. The order is confirmed and remains unchanged.

May 4, 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.