



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

Citation: Li v Alexander, 2026 ONLTB 35766

Date: 2026-05-01

File Number: LTB-L-054562-24-RV

In the matter of: Upper Unit, 15 Dietz Ave S
Waterloo ON N2L2J4

Between: Beatrice Li Landlord

And

James Alexander Tenants
Eddie Alexander
Jamie Alexander

Review Order

Beatrice Li (the 'Landlord') applied for an order to terminate the tenancy and evict James Alexander, Eddie Alexander and Jamie Alexander (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another Tenants.
- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has willfully or negligently caused damage to the premises.
- the Landlord requires vacant possession of the rental unit in order to do major repairs or renovations to the unit.

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

The Landlord also applied for an order requiring the Tenants 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 Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex.

This application was resolved by order LTB-L-054562-24 issued on April 8, 2026. A hearing was held on February 26, 2025 and March 26, 2026. While all three Tenants attended the first hearing, they elected Jamie Alexander to represent their interests. For the Tenants, only Jamie Alexander attended the second hearing.

On April 30, 2026, the Tenants 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 recordings for this hearing.

Determinations:

1. In the review request, the Tenants claim that there were serious procedural errors in the proceedings related to the Member's handling of the Landlord's witness, the denial to speak with Tenant Duty Counsel, the Tenant's ability to participate at the hearing, the validity of the N5 notice and the Member's failure to consider mandatory relief under s. 83.
2. 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.
3. For clarity, Jamie Alexander was the only Tenant in attendance at the second hearing.
4. I have reviewed the Board's application record and have listed to the relevant portions of the hearing recordings for both February 26, 2025 and March 26, 2026.

Was there a procedural error related to the Landlord's witness?

5. The order and the March 26, 2026 hearing recording confirm that the Member, at various, times instructed the Landlord to remove her witness from the same room. There were issues related to video use at the hearing, lack of understanding and technology. For the most part, these issues were dealt with at the onset of the hearing and prior to hearing evidence.
6. I acknowledge that the presiding Member also addressed the issue, again after the matter had been stood down and upon return of the parties at around 1:01:32 of the March 26, 2026 hearing recording. However, the Member, at all times, ensured videos were activated, asked the Landlord to turn her camera around the room to ensure the witness was not present.
7. The review request also assert that the Member placed more weight on the Landlord's and witness's evidence and due to the conduct of the Landlord and witness they were not credible. As previously stated, the Member, ensured the witness was not present in the room at all material times and the Tenant's belief that the Landlord's evidence was manipulated is speculative.
8. Disagreeing with the findings of fact that a Member makes is not on its own a basis for review. Generally speaking, a Member's findings of fact will be respected on review because the Member was the one who saw the witnesses first hand and heard their evidence - the Member is in the best position to make findings of credibility. So where the heart of the Tenant's complaint is that the Landlord's witnesses and evidence were

accepted as more credible than his own testimony; that will not lead to a review being granted.

9. Based on the recording and the April 8, 2026 order, in my view, the presiding Member appropriately managed the issues related to the Landlord's witness and I have no reason to believe the witness was compromised.

The Tenant's request for Tenant Duty Counsel

10. The Tenant's claim that he was denied opportunity to speak with Tenant Duty Counsel (TDC) is incorrect.
11. The February 26, 2025 hearing docket, recording and order confirms the Tenants spoke with TDC. The hearing recording confirms that the Tenant also acknowledged speaking with two lawyers prior to the hearing.
12. At the March 26, 2026 hearing, the Tenant, during the hearing, asked to speak with TDC. This is confirmed on the hearing recording at around 36:10:00 when the Tenant said he wished to speak with a lawyer. The Member took pause, sought the Tenant's submissions. The Member determined that it was inappropriate to halt the proceeding, in progress, to allow the Tenant to speak with TDC. The Member also determined it was inappropriate at this juncture to adjourn the hearing. The Tenant confirmed that his request was related to the Member's handling of the Landlord's witness. The Tenant also said he would be seeking a review of the order and the Member acknowledged the Tenant's statement.
13. In my view, it was not a serious error in procedure to refuse the Tenant's request. It is standard Board practice to deny a request for legal counsel once a matter has been called on the record. Additionally, had the Tenant been granted his request, he would have likely been advised that the proper course of action would be to request a review upon receipt of the order. The Tenant has exercised his right to request a review of the order.
14. Given the above, I cannot find that presiding Member seriously erred by denying the Tenant's request to speak with TDC, while the hearing was in progress.

Was the Tenant reasonably able to participate at the hearing?

15. The Tenant submits that he was denied procedural fairness at the hearings. The hearing recordings however shows that the Tenant was afforded and exercised a full right to participate in the hearings by leading evidence and submissions and by responding to the Landlord's evidence and submissions.
16. I acknowledge that the presiding Member, from time to time, interrupted the Tenant. However, this was related to irrelevant submissions and moving the hearing forward. The Member also spent considerable time managing the behaviour of the parties during

this highly contested matter. I found the Member did an exemplary job in managing the hearing room to ensure a procedurally fair hearing.

Did the Member fail to consider mandatory relief from eviction?

17. The March 26, 2026 hearing recording confirms that the Tenant was afforded multiple opportunities to speak to his personal circumstances and all circumstances as per s. 83 of the *Residential Tenancies Act, 2006* (the 'Act').
18. Specifically, the Tenant provided submissions related to his financial circumstances, family composition, physical issues and relief requests. At around 1:10:44 and 1:11:17 of the hearing recording, the Member inquired if the Tenant has further submissions to which he responded "no".
19. There were multiple instances where the Member has to intervene to diffuse arguments between the Landlord and the Tenant. However, the recording does not support the Tenant's claims that was denied the opportunity to raise relevant issues related to relief.
20. It is clear, at paragraph 30 of the order, the Member turned her mind to the circumstances of the Tenants. The Member provided reasons to support the ultimate outcome to terminate the tenancy. The Member weighed the circumstances of the Landlord and those of the Tenant. The Member also considered the unlikely success of a conditional order.
21. A Member's exercise of discretion can only be successfully challenged upon review if it can be demonstrated that the Member exercised his or her discretion in an unreasonable manner. Having the benefit of hearing evidence at first hand, the Member made a decision to terminate this tenancy and this decision falls within a reasonable range of outcomes.

The validity of the N5 Notice of Termination

22. In the review request, the Tenant asserts that the Member failed to consider the insufficient detail provided in the N5 notice and the voiding period.
23. The hearing recordings confirm that the presiding Member sought preliminary issues at the onset of the hearing. The Tenant's submissions were considered and the Member found no reason not to proceed with the hearing. Considerable time was spent on the issues alleged in the N5 notice, the various dates and the continuation of some behaviour. The Member found the N5 to be valid and proceed to hear the application on its merits.
24. Paragraph 20 of the order, provides reasons to support the Member's finding that the Tenants did not void the N5 notice. That determination was based on the allegations, supported by dates and details and falls within a reasonable range of outcomes.

25. Overall, I acknowledge that this was a lengthy and highly contested hearing. However, having reviewed the application record and the recordings, I cannot find that the presiding Member made any serious procedural errors, denied the Tenant the ability to participate or that the April 8, 2026 contains any serious errors. As such, the Tenants' review request must be denied.

It is ordered that:

1. The request to review order LTB-L-054562-24 issued on April 8, 2026 is denied. The order is confirmed and remains unchanged.

May 1, 2026
Date Issued

Dana Wren
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.