



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

Citation: YORK UNIVERSITY v PETROVSKI, 2026 ONLTB 35977

Date: 2026-05-01

File Number: LTB-L-105761-25-RV

In the matter of: 910, 90 ATKINSON RD
NORTH YORK ON M3J2S5

Between: YORK UNIVERSITY Landlord

And

DANIELA PETROVSKI Tenant

Review Order

YORK UNIVERSITY (the 'Landlord') applied for an order to terminate the tenancy and evict DANIELA PETROVSKI (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 Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-105761-25 issued on April 13, 2026

On May 1, 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:

1. The request for review is brought on the basis that the order contains a serious error and that the Tenant was not reasonably able to participate in the proceeding held March 11, 2026.
2. I am not satisfied that the Tenant has identified a serious error in the order. Rather, the submissions reflect disagreement with the outcome and amount to an attempt to reargue the case.
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 order sets out in sufficient detail the reasons why the adjudicator arrived at his conclusions. The order, for example, identifies the parties' respective positions and explains the basis for the findings made. The order is therefore an adequate order, and it is evident that the hearing member's findings of fact are rationally connected to the evidence adduced during the hearing. Put differently, the hearing member's findings of fact are not capricious.
6. The request also makes a vague allegation of bias. However, the allegations lacks particulars and does not rise to a reasonable apprehension of bias.
7. The Tenant further requests that the application filing fee of \$186.00 be removed from the order.
8. Pursuant to the Boards Interpretation Guideline 3, costs are generally limited to the application filing fee and are awarded where a party is successful in obtaining an order granting the relief sought, or substantially all of that relief.
9. In this case, the Landlord was successful in their application. Accordingly, the inclusion of the application filing fee in the order was appropriate and does not constitute an error.
10. With respect to the Tenant's allegation that she was not reasonably able to participate in the hearing, the audio recording reflects that the Tenant was present, provided clear testimony, and made closing submissions. I therefore find that the Tenant was present and meaningfully participated in the hearing.
11. The Tenant also raises allegations regarding the Landlord's conduct. However, this application was brought pursuant to section 64 of the *Residential Tenancies Act, 2006*, the ("Act"), and such issues were not properly before the Board in this proceeding. The Tenant remains at liberty to pursue these concerns by filing a separate application.
12. On the basis of the submissions made in the request, I am not satisfied that the order contains a serious error, 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-105761-25 issued on April 13, 2026 is denied. The order is confirmed and remains unchanged.

May 1, 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.