



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

Citation: McDonald v Carvalho, 2026 ONLTB 36056

Date: 2026-05-04

File Number: LTB-L-010901-26-RV

In the matter of: 1, 54 DUNRAVEN DR
YORK ON M6M1H2

Between: Colin McDonald Landlords
Ava McDonald

And

Leonardo Carvalho Tenants
Arlete Cardeal

Review Order

Colin McDonald and Ava McDonald (the 'Landlords') applied for an order to terminate the tenancy and evict Leonardo Carvalho and Arlete Cardeal (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-010901-26, issued on April 27, 2026.

On May 1, 2026, the Tenants requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Reasons:

1. 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.
2. The Tenants owed rent arrears of \$9,600.00. They asked to be permitted to repay them at a rate of \$150.00 on top of their \$2,400.00 monthly rent. This would have been a payment plan of more than five years.
3. The Member denied the request. On the evidence before her, she found that the tenancy was not viable because the Tenants' income was not enough to cover the rent. She considered the Tenant Arlete Cardeal's testimony that she worked part-time and could not work full-time because they had a two-year-old child; that her part-time income was insufficient to pay the rent and other bills; and that her husband was out of work.

4. The Tenants request a review, arguing that the Member misunderstood their financial circumstances in several ways.
5. First, the Tenants say that Ms. Cardeal is currently working part-time. That is not an error. The Member accepted Ms. Cardeal's testimony that she was working part-time.
6. Second, the Tenants say that their child is in daycare. Although not clearly argued, I take them to be arguing that the Member erred by finding that Ms. Cardeal would be unable to work full-time. I do not find that argument to be relevant. Ms. Cardeal agrees that she was working part-time when the matter was heard. The Member decided the case based on the Tenants' actual financial circumstances.
7. Third, the Tenants say that Ms. Cardeal's husband is currently employed. However, they do not identify any error in the Member's finding that the husband was not employed at the time of the hearing. They have not identified any evidence the Member failed to consider which could have led to a finding that the husband was employed.
8. Fourth, the Tenants say that their income includes payments from the Canada Child Benefit (CCB). They argue that the Member failed to consider that income. Again, however, they have not identified any evidence the Member failed to consider which could have led to a finding that their income included the CCB or that their total income was sufficient to cover the rent.
9. The Member who heard the evidence was in the best position to assess it. My role on review is not to re-assess the evidence or to substitute my assessment for the Member's. The Member's conclusion that the Tenants' income was insufficient to cover the rent was available to her on the evidence. The Tenants have not identified any error the Member made in reaching her conclusion.
10. Having concluded that the tenancy was not viable, the Member did not err in finding that it would be unfair to the Landlord to allow a payment plan. The review will be denied.

It is ordered that:

1. The request to review order LTB-L-010901-26, issued on April 27, 2026, is denied. The order is confirmed and remains unchanged.

May 4, 2026
Date Issued

Dale Whitmore
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.

