



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

Citation: Wang v Bowman, 2026 ONLTB 36070

Date: 2026-05-04

File Number: LTB-L-108451-25-RV

In the matter of: 1091 Queens Ave
Oakville ON L6H4K9

Between:	Chunjiang Wang	Landlord
	And	
	Chauzine Bowman Philip Goring	Tenants

Review Order

Chunjiang Wang (the 'Landlord') applied for an order to terminate the tenancy and evict Chauzine Bowman and Philip Goring (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 tenant.

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 expenses that are the result of the Tenants failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was resolved by order LTB-L-108451-25 issued on March 30, 2026.

On April 28, 2026, the Tenants' Representative 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 alleges both a serious error and that the Tenant was not reasonably able to participate in the March 23, 2026 proceedings.
2. The review request alleges a breach in procedural fairness on the following basis:

- a) The Member improperly and excessively exercised discretion in amending the claim for water utilities from \$1,122.26 to \$2,766.19.
 - b) The Member failed to allow the Tenant an opportunity to review and respond to evidence submitted by the Landlord.
 - c) The Member ignored or misapprehended the Tenant's evidence with respect to the Tenant's ability to pay off the arrears owing;
 - d) The Member made an unreasonable decision by relying on an unrelated arrears order.
 - e) The Member failed to properly consider the Tenant's submissions under section 83 of the Residential Tenancies Act, 2006.
 - f) There is new evidence that was previously not available and would have changed the outcome of the order.
3. Pursuant to section 201(1)(f) of the *Residential Tenancies Act, 2006*, the ("Act"), the Board may, before, during or after a hearing, on its own motion and on notice to the parties, amend an application if the Board considers it appropriate to do so and if amending the application would not be unfair to any party.
4. The hearing recording reflects that the Tenant agreed to the revised arrears owing and did not challenge the evidence submitted by the Landlord. The Board has authority to amend an application where appropriate. In this case, it was not unreasonable for the presiding Member to amend the application. Disagreement with the exercise of discretion does not, on its own, establish a serious error.
5. With respect to the Tenant's allegation that the presiding Member failed to allow the Tenant an opportunity to review and respond to evidence submitted by the Landlord, the hearing recording reflects that the Tenant did not object to the evidence being adduced by the Landlord. The opportunity to raise all issues and make objections was at the hearing stage, not at the review stage of the proceedings. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better outcome.
6. With respect to the Tenant's allegation that the Member ignored or misapprehended the evidence, and that the Member unreasonably relied on an unrelated arrears order, the hearing recording reflects that the Tenant testified that she fell into water arrears as a result of her spouse losing their job and having to repay rental arrears. The prior rental arrears order was therefore relevant to the issues before the Member and, relying on the previous order is not a serious error or a breach in procedural fairness.
7. With respect to the Tenant's allegation, that the Member failed to consider her section 83 submissions, paragraphs 9 – 15 of the order set out sufficient reasons explaining how the Member arrived at his determination. Loss of employment, rental arrears and the Tenant's ability to pay back the arrears were considered. In this case, the Tenant testified that her mother would help pay off the arrears but was unable to state the amount of financial assistance she would receive or when payment would be made. The Tenant did not call her mother to provide testimony, and it is not the Member's role to assist parties in presenting their evidence.

8. 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.

9. 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 a 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.
10. The Tenant submits that she has new evidence to confirm that she has the funds to pay all of the water arrears owing and proof of financial family support, and that this new information would have changed the outcome of the order. There is no dispute that that the Tenant received a copy of the N5 notice of water arrears in December 2025 and that she has not paid for the water utilities since the notice was served. The Tenant has not established that the alleged new evidence was not available at the time of the hearing or could not have been obtained with reasonable diligence. The Tenant had approximately three months to prepare and present a payment plan or supporting evidence at the hearing but failed to do so. Instead, she testified that she was unaware of how much her family could assist her with. As stated above, the purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better outcome.
11. Although the Tenant disagrees with the March 30, 2026 order, the Board's review process is not an opportunity for a party to reargue a matter that has been finally determined in the hopes of a different outcome.
12. 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 proceedings.

It is ordered that:

1. The request to review order LTB-L-108451-25 issued on March 30, 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
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.