



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

Citation: Property Management Partners CO Breno Carrera v Kapoor, 2026 ONLTB 36343

Date: 2026-05-05

File Number: LTB-L-054402-25-RV

In the matter of: 106 HEARTLEAF CRES
BRAMPTON ON L7A2B9

Between:	Property Management Partners CO Breno Carrera	Landlord
	And	
	Dishant Kapoor Armaan Kapoor	Tenants

Review Order

Property Management Partners CO Breno Carrera (the 'Landlord') applied for an order to terminate the tenancy and evict Dishant Kapoor and Armaan Kapoor (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-054402-25 issued on April 20, 2026.

On May 4, 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. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.
2. The review request alleges that the presiding Member failed to make a determination with respect to the Tenants section 82 allegations pursuant to the *Residential Tenancies Act, 2006*, the "Act". While this amounts to an error, it is not a serious error, as it had no bearing on the outcome of the proceedings.
3. The Member is not required to make an explicit finding on, or explicitly address, each piece of evidence submitted by the parties in her decision (see *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708).

4. In this case, the hearing recording reflects that the presiding Member determined that the Tenants' section 82 submissions would not be considered because the Tenants' failed to identify a remedy for the allegations raised. The Board's records indicate that interim order LTB-L-054402-25-IN, issued September 29, 2025, required the Tenants to file their section 82 issues together with the requested remedies no later than October 24, 2025. The Tenants failed to do so. This determination was communicated at the hearing. Accordingly, the Member did not err in declining to consider the section 82 issues.
5. The review request alleges that the Member misunderstood the section 83(3) allegations the Tenants intended to raise. The Tenant argues that these allegations relate to lack of ventilation, a malfunctioning furnace, and mold, which constitutes serious breaches of the Landlord's responsibilities.
6. The hearing recording reflects that the only section 83(3) issue raised by the Tenants' legal representative was the lack of air conditioning in the unit. Neither the Tenant nor his representative raised concerns regarding ventilation, the furnace, or mold. There is no requirement under the Act for a Landlord to provide air conditioning. Although the issue was raised at the hearing, it is not a serious error for the Member not to address it in the order, as the Act is silent on the issue and it would not have affected the outcome.
7. The review request further alleges that the Member unreasonably exercised discretion in considering section 83(2). However, paragraphs 10 to 15 of the order demonstrate the evidence considered, including the Tenant's pregnancy, their pet, and employment status. While the Tenant disagrees with the outcome, the order provides a reasonable basis for the determinations made. As set out in Guideline 8 of the Board's Interpretation Guidelines, the Member's findings of fact are entitled to considerable deference. Reasonable determinations will not be interfered with on review.
8. The Tenant's disagreement with the Member's determinations is not sufficient grounds for review. There is nothing in the record to support a determination that the hearing Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions.
9. The hearing Member's exercise of discretion was rationally connected to the parties' evidence and submissions, and the exercise was therefore not capricious. Although another Board Member may have exercised their discretion differently, as stated above, the presiding hearing Member's decision is entitled to deference.
10. Lastly, the review request alleges that the order focused on rent arrears and failed to consider the Landlord's maintenance obligations. The paragraphs above explain why the Tenant's section 82 and section 83(3) issues were not considered. This application was based on an N4 notice of arrears, and the order appropriately addresses the arrears of rent as required by the application before the Board.
11. Accordingly, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings. As a result, the Tenant's review request is denied.

It is ordered that:

1. The request to review order LTB-L-054402-25 issued on April 20, 2026 is denied. The order is confirmed and remains unchanged.

May 5, 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.