



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

Citation: Reaching Our Outdoor Friends v Sabourin, 2026 ONLTB 39359

Date: 2026-05-14

File Number: LTB-L-011673-26-SA-RV

In the matter of: 212, 39 SHELDON AVE N
KITCHENER ON N2H3M1

Between: Reaching Our Outdoor Friends Landlord

And

Jade Sabourin Tenant

Review Order

Reaching Our Outdoor Friends (the 'Landlord') applied for an order to terminate the tenancy and evict Jade Sabourin (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on December 16, 2025 with respect to application LTB-L-075756-25.

This application was resolved by order LTB-L-011673-26 issued on February 13, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-011673-26. This application was resolved by order LTB-L-011673-26-SA issued April 14, 2026.

On May 13, 2026, the Tenant's Legal Representative requested a review of the order.

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

Determinations:

1. The Tenant alleges that the order contains a serious error on the basis that the Member failed to consider the Landlord's duty to accommodate under the Ontario Human Rights Code, improperly exercised the Board's discretion under section 83 of the *Residential Tenancies Act, 2006*, the ("Act"), and failed to adequately consider whether a further conditional order was appropriate. The Tenant further alleges that they have new evidence that may affect the outcome of the order.
2. The LTB's usual approach to the accommodation analysis was first articulated by the Divisional Court in *Walmer Developments v. Wolch*, [2003 CanLII 42163 \(ON SCDC\)](#), the case which established that the *Human Rights Code* applies to LTB proceedings.

3. For these reasons, we are of the view that the Ontario Rental Housing Tribunal (ORHT) is bound by the legislation to comply with the *Human Rights Code* in full in its decision-making and in particular when exercising its discretion under s. 84 as to whether it would be unfair to the landlord not to evict a person suffering from a disability. The ORHT must consider whether any disruption in the enjoyment of other tenants may be sufficiently alleviated by a reasonable accommodation of the disabled tenant without undue hardship to the landlord.
4. *Walmer* was decided under the *Tenant Protection Act, 1997, SO 1997, c 24* (TPA). Section 84 of the TPA is now section 83 of the RTA, which provides that the Board must refuse eviction if doing so would not be unfair to a landlord. Eviction can be refused conditionally.
5. Consistent with *Walmer*, when a landlord applies to evict a tenant because of a contravention of the RTA related to a disability, the LTB's usual approach is to consider whether the disability can be accommodated without undue hardship, such that the contravention can be resolved. If it can, then eviction is refused pursuant to section 83, usually with conditions giving effect to the accommodation plan.
6. In this case, the Board's records indicate that the parties entered into consent order LTB-L-075756-25, issued January 7, 2026, permitting the Tenant to continue the tenancy provided she followed certain conditions. This constitutes a form of accommodation.
7. Paragraph 8 of order LTB-L-011673-26-SA confirms that the Tenant failed to disclose her disabilities to the Landlord. Despite this, the Landlord provided active monitoring and intervention supports. Paragraph 13 and 14 of the order confirm that, despite the supports offered by the Landlord, the Tenant failed to engage in those supports. Paragraph 24 of the order details the supports provided by the Landlord. In these circumstances, it cannot be said that the Landlord failed to accommodate the Tenant.
8. The review request alleges that the Member failed to provide sufficient reasons why a more stringent conditional order was not a viable alternative to eviction. I disagree with the Tenant. There was no dispute that the Tenant breached the conditions of the order by allowing her dogs to roam freely in the residential complex, failing to pick up after her dogs, by leaving garbage in the hallways, and engaging in aggressive behaviour towards the Landlord or staff. Paragraph 9 states that the Tenant acknowledged allowing her dogs off leash because no one was around and because the dogs have never bitten anyone. Paragraph 12 of the order states that, although the Tenant received muzzles from the Humane Society, she does not want to use them on her dogs.
9. Although the Tenant agreed to accept support and leash her dogs on an ongoing basis, paragraph 14 of the order establishes that, despite repeated agreements to accept supports and comply with conditions, she failed to do so. Paragraphs 33 to 35 of the order provide sufficient detail explaining why a further conditional order was not granted. The order reflects that the Member considered the Tenant's personal circumstances and accommodation needs but ultimately determined that the repeated breaches and ongoing safety concerns outweighed the basis for granting further relief from eviction.

under section 83. The Member's decision not to impose an additional conditional order is not unreasonable.

10. Although the Tenant disagrees with the April 14, 2026 order, the order sets out a reasonable basis for the determinations made. As stated 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.
11. While the Tenant's review request submits that the breaches do not constitute a serious impairment of safety, the Divisional Court decisions in *Musse v. 6965083 Canada Inc.*, 2021 ONSC 1085 (CanLII) and *Furr v. Courtland Mews Cooperative Housing Inc.*, 2020 ONSC 1175 (CanLII) confirm that serious impairment of safety includes both actual impairment and a real risk of impairment. In other cases, the Board has held that it is not necessary that anyone has actually been hurt or injured and that a serious impairment of safety may include:
 - (i) the potential for an outcome that has the risk of a substantial negative effect on a person's well-being;
 - (ii) a foreseeable act or omission that could result in or may result in a serious impairment to safety; and
 - (iii) extremely loud and intense arguments could easily result in violence and would be a safety hazard.
12. 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 or that there was insufficient evidence before the Board to support the Member's conclusions.

New evidence

13. With respect to requesting a review on the basis of new evidence, Interpretation Guideline 8 - Review of an Order states:

Parties are expected to make every effort to produce all relevant evidence in support of their positions in the original hearing. The review will be dismissed unless the LTB is satisfied the new evidence could not have been produced at the original hearing, is material to the issues in dispute and its consideration could change the result. *First Homes Society v Henry*, [2002] O.J. No. 1754, (Div Ct.); NOL-16865-14- RV(Re), 2014 CanLII 78539 (ON LTB).

14. The Tenant submits that she has new evidence because she recently became aware that an eviction from supporting housing renders her ineligible for other supportive housing programs. I do not find this constitutes new evidence. The Tenant was aware that breaching the consent order could result in eviction and the loss of her housing. The fact that the Tenant may now better understand the consequences flowing from eviction does not establish a serious error or otherwise constitute a basis for a review.

15. 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 proceeding.

It is ordered that:

1. The request to review order LTB-L-011673-26 issued on April 14, 2026 is denied. The order is confirmed and remains unchanged.

May 14, 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.