



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

File Number: LTB-L-073921-22_ LTB-T-036416-22_ LTB-T-073918-22-RV

In the matter of: 1531 CHOLETTE STREET
NORTH BAY ONTARIO P1A0B2

Between: Adam Horton Landlords
Marilyn Horton

May 15, 2026

And

Terry Aho Tenants
Patricia Aho

Review Order

Adam Horton and Marilyn Horton (the 'Landlords') applied for an order to terminate the tenancy and evict Terry Aho and Patricia Aho (the 'Tenants') because:

- the Landlords in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-073921-22 issued on April 17, 2026.

On April 24, 2026, the 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 recordings for the hearings.

Determinations:

Procedural Background

1. Hearings were held on June 18, 2024 and January 12, 2026.
2. The Tenants were represented by a legal representative at the first hearing and unrepresented at the January 12, 2026 hearing. The Tenant Terry Aho (TA) represented the Tenants at the hearings.
3. In the review request, TA asserts various error in procedure and serious error in the April 17, 2026 order. Specifically, he asserts that:

- the presiding Member failed to consider the ongoing maintenance issues;
 - the Member denied procedural fairness to the Tenant and did not allow him to present evidence;
 - the Member failed to properly consider s.83 of the Act;
 - the Member preferred the Landlord's evidence regarding maintenance;
 - the Tenant was not reasonably able to participate at the January 12, 2026 hearing due to issues with the legal representative;
 - the Member failed to properly assess the Landlord's intention regarding the N12 notice;
 - the Member failed to assess the rent properly.
4. I have reviewed the application record and have listened to the relevant portions of the hearing recordings
 5. 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 Tenants were not reasonably able to participate in the proceeding.

Were the Tenants denied procedural fairness and/or natural justice?

6. The hearing recordings confirm that the Tenants had legal representation at the first hearing. However, due to circumstances between the Tenants and their legal representative, the Tenants dismissed their representative four days prior to the second hearing.
7. A party's choice of counsel is independent of the Board. Issues that arise between the individuals are best suited before the appropriate authority. The Member also turned her mind to this at paragraph 57 of the order was as satisfied that the Tenants had opportunity to receive advise on how to proceed with their claims.
8. The order and the January 12, 2026 hearing recording confirm that TA repeatedly expressed displeasure with their choice of council. However, TA at the hearing, fully engaged his right to participate at the hearing. He led submissions and evidence and challenged the Landlord's submissions and evidence.
9. The Tenant sought and adjournment part way through TA's cross examination on January 12, 2026 with the intent of securing further evidence. This was denied by the member. I note, the adjournment request was not to obtain legal counsel.
10. At paragraphs 3 to 7 of the order, the Member explains the discretionary nature of the adjournment requests and reasons to support her decision to deny the request.
11. Pursuant to Guideline # 8 Review of an Order:

Serious error includes:

...

An unreasonable exercise of discretion which results in an order outside the usual range of remedies or results and where there are no reasons explaining the result.

12. In this circumstance, the Member provided adequate reasons to support her exercise of discretion and the Member's denial of TA's adjournment request, part way through cross examination, falls within a reasonable acceptable outcome.
13. Although the Board's Guidelines are not binding, I see no reason not to follow the Guideline in this instance. The Member's decision not to adjourn the hearing was clearly reasonable in the circumstances, and that decision cannot properly be the basis for a review.
14. Having reviewed the recordings, at no time was the Tenant refused the opportunity to make relevant submissions and lead relevant evidence. TA actively participated at the hearings.

The Section 83 considerations

15. Throughout the review request, the Tenants assert that the presiding Member failed to consider relief under s.83 of the Act. For clarity, s.83 of the Act provides for both mandatory relief and discretionary relief.
16. With respect to serious ongoing breaches that would result in mandatory relief from eviction, the Member sets out in paragraphs 52 to 65 of the order the serious breach claims and provides reasons as to why the Landlord was not found to be in breach.
17. The Member clearly considered the evidence to arrive at the final conclusion and her determinations are well-reasoned to support the finding that the Landlord was not in serious breach at the time of the hearing.
18. Having listened to various parts of the hearing recordings, the presiding Member was generous with her patience throughout the hearings by providing clear explanations and direction for the Tenant, who was self-represented. I cannot find that the Member disregarded the TA's assertions related to the seriousness of the breaches.
19. The second discretionary decision the Tenants complain about in the review request is with respect to the ultimate decision not to grant relief in the form the Tenants requested. Ultimately, the Tenants believed that the Board should have denied the Landlord's application and permit them to stay in the rental unit.
20. The order supports the proposition that the Member considered the circumstances of the parties and uses her discretion to grant the application but postpone the eviction to August 15, 2026.

21. Under the circumstances here, it cannot be said the Member's decisions was unreasonable. Given the evidence before The Board and applying the relevant legal test, the Member found that the Landlord served the N12 termination notice in good faith and intends to occupy the rental unit as claimed in the notice.
22. The Member also considered the lengthy tenancy, the age of the Tenants and their health. To balance the interests of the parties, the Member opted to provide additional time for the Tenants to secure alternative housing.
23. Given all of the evidence before the Board, it simply cannot be said that the decision to refuse relief was unreasonable.

The assessment of evidence

24. How the Member interpreted the evidence and was swayed by it is one of the two major themes throughout the Tenants' review request.
25. In the request, the Tenants claim the Member failed to properly consider the various maintenance issues, denied evidence and made an improper finding related to the N12 and the Landlord's intention.
26. Disagreeing with the findings of fact that a Member makes is not on its own a basis for review. Generally speaking, a Member's findings of fact will be respected on review because the Member was the one who saw the witnesses first hand and heard their evidence - so the Member is in the best position to make findings.
27. Paragraphs 17 to 51 of the order deals with the maintenance issues claimed by the Tenants. The Member's section titled L2 application deals with the N12 notice and related issues. The order numbering falls out of sequence in the order, hence my reference to the titled section for the purpose of this review.
28. The issue of documentary evidence was set out early in the order and part of the Tenant's adjournment request. It cannot be said that the Member erred in procedure and the order contains a serious error for failing to disclose as required. In my view, there is no merit to the Tenants' claims that it was an error to deny some evidence. Overall, the Member found the Tenants failed to provide sufficient evidence to support their claims.
29. My review of the hearing recordings and the reasons provided, reveals that the Member sufficiently considered the Tenants' evidence. However, the Member preferred the evidence of the Landlord. In each relevant section of the order, the Member explains the evidence of the parties and makes her finding based on the best evidence before her and on a balance of probabilities. Specifically, the Member found that the Tenant led insufficient evidence to support the proposition that the Landlord is in breach of their maintenance obligations. The Member also found that, at times, the Tenants' chose not to co-operate with the Landlord to resolve various issues. Additionally, on the evidence the Member found the Landlord genuinely intended to occupy the rental unit for

residential purposes as required by the Act.

30. As noted in Guideline # 8, errors of fact can be successful grounds for review but only where the error of fact which “was material to the decision, and **was clearly an unreasonable finding considering the evidence** which was before the Member” [emphasis added]. Here, the Tenant’s request for review contains a wide rejection of the Member’s findings of fact but there is nothing in the request for review suggestive of the possibility that there was no evidence to support the Member’s findings of fact, or that the Member applied incorrect principles or considerations in arriving at her findings of fact, or that the findings were otherwise unreasonable or capricious.
31. In my estimation, the Member’s conclusions are based on an evaluation of the sufficiency of the evidence presented by both parties at the hearing. I will 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.
32. The Tenant was in attendance at both hearings and had legal representation at the first hearing where the Tenants’ evidence in chief for the T6 application was completed. The Tenants had the benefit of legal counsel to present their case and also had ample opportunity to challenge the Landlord by way of cross examination. It is clear that the Tenants are unhappy with the outcome and that the Member preferred the evidence of the Landlord.
33. In my opinion, the Member’s findings with respect to the Tenants’ claims and that they did not meet the burden of proof was based on the evidence before the Member and that determination is reasonable in the circumstance. A finding of fact can only be challenged upon review if it can be demonstrated that there was no evidence on which to arrive at the impugned conclusion(s) or that the Member applied improper principles in arriving at the Member’s determinations. In this case, the record indicates that the Member considered the evidence presented and arrived at her determinations based on what the Member heard during the hearing. There is nothing in this review to suggest that the Member applied improper principles in arriving at the conclusions stated.

Does the order contain mathematical errors?

34. TA asserts that the order contains math error related the rent and the Tenants belief that rent was reduced in lieu of work done.
35. For clarity, the order does not contain any math related issues. The order terminates the tenancy. I understood the Tenants complaint to be related to the Member finding regarding the maintenance claims and the Tenants anticipated monetary success.
36. There is no merit to this claim as previously assessed above and the Member’s finding for the various maintenance issues.
37. Given all of the above, I cannot find that there was a procedural error, the Tenants were not reasonably able to participate at the hearings or that the April 17, 2026 order contains

a serious order. The Tenants' review request is denied.

It is ordered that:

1. The request to review order LTB-L-073921-22 issued on April 17, 2026 is denied. The order is confirmed and remains unchanged.

May 15, 2026
Date Issued

Dana Wren
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.