



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

Citation: White v Alterman, 2026 ONLTB 40299

Date: 2026-05-20

File Number: LTB-T-088136-23-RV

In the matter of: 10, 20 Weichel St.
Kitchener ON N2M2A6

Between:	Laurie C White	Tenant
And		
	Marcelo Alterman	Landlord

Review Order

Marcelo Alterman (the 'Landlord') applied for an order to terminate the tenancy and evict Laurie C White (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant 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 Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has willfully or negligently caused damage to the premises.
- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has willfully caused undue damage to the premises.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex used the rental unit or the residential complex in a manner that is inconsistent with use as a residential premises and that has caused or can be expected to cause significant damage.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the building has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord in a building that has three or fewer residential units and the Landlord resides in the building.

The Landlord also applied for an order requiring Laurie C White (the 'Tenant') to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

This application was resolved by order LTB-T-088136-23 issued on May 19, 2026.

On May 19, 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 or that a serious error occurred in the proceedings or that the Tenant was not reasonably able to participate in the proceeding.
2. The hearing that gave rise to the order under review took place on May 7, 2026. The Tenant attended and gave submissions and evidence.
3. The review request submits that the Vice Chair erred by refusing to accept evidence filed by the Tenant. The evidence in question is evidence that was required to be filed by November 30, 2024 pursuant to an interim order issued on November 20, 2024. The Vice Chair properly exercised his discretion by refusing to accept this evidence. As explained clearly in the order at paragraphs 11-32, the Vice Chair describes his reasons for concluding that the evidence would not be accepted and an adjournment will not be granted. The Vice Chair properly considered the Tenant's lack of compliance with the requirements to serve the Landlord and heard the submissions of the Tenant at the hearing on the issue.
4. The review request submits that the Vice Chair dismissed the application "simply because they did not want to review her evidence". The reasons provided by the Vice Chair are thorough and complete and demonstrate three specific and reasonable reasons to dismiss the application.
5. In the Order, the Vice Chair properly considers the entire history of the Tenant's case, as well as the history of the related applications before the LTB. The Vice Chair considers section 201(1)(d) of the Act, and the purpose behind dismissal of an application. Also properly considered was the timeline of 15 months over which time the Tenant had the opportunity to file and serve the documents they intended to rely on. The Vice Chair considered the application of the 19.1 and 19.7 of the LTB's Rules of Procedure and addresses the multiple opportunities the Tenant had to comply. I note that it was considered at paragraph 26 of the Order what the impact of accepting the Tenant's documents into evidence would have on the Landlord and the LTB process.
6. The Tenant submits in the review request that she was discriminated against because she is not represented. Section 10 of the SPPA states that a party may be represented by a representative at a hearing, however the right to representation is not absolute. The Board's processes are user friendly. Forms and documents contain information and instructions on how they should be filled out. Self-Represented tenants regularly appear before the Board without legal counsel. Tenants have the benefit of Adjudicative Case

Conferences, interim orders, Board Guidelines. All parties, whether represented or not, are expected to comply with the Board's rules and procedures. There is no indication that the Tenant was discriminated against in this case due to her lack of legal counsel.

7. The Vice Chair exercised his discretion to refuse to admit the documents or grant an adjournment, given the repeated failure to comply with the interim order, the impact to the Landlord, the consequent necessity of yet another adjournment and the sheer volume of the documents. The balance of fairness was properly and completely considered. The Vice Chair took into account that the previous order made was peremptory, and that no exceptional circumstances existed to exercise discretion for any further adjournment in this case. The lack of particulars in the Tenant's T2 Application filed with the Board was also considered at paragraphs 42-60. The Vice Chair correctly engaged in a review of the relevant case law and the legal principles applicable to this issue.
8. The Tenant submits in her review request that she was treated unfairly during the hearing because she does not have a lawyer, did not want to take the time to review her evidence, didn't want to hear from the Tenant, and in essence exhibited a reasonable apprehension of bias.
9. The hearing recording and the order confirms the Member considered the evidence and submissions of the Tenant as they related to the preliminary issues of disclosure, adjournment, withdrawal of the application and abuse of process. The order sets out detailed reason as to why the Member made their determinations. The hearing Vice Chair's exercise of discretion was rationally connected to the history of the case, the evidence before the member and the submissions of the parties. Although another Board Member may have exercised their discretion differently, the presiding hearing Vice Chair's decisions are entitled to deference.
10. While the review request also asserts that the Tenant experienced unfair treatment, the hearing recording demonstrated the Vice Chair was patient and respectful. The request does not provide any details of any specific incidents where the Tenant was not permitted to present evidence or make submissions unfairly, nor does the Tenant provide any point in the hearing where the Tenant was denied procedural fairness. A review of the hearing recording demonstrates that the Member was firm in hearing room management however the recording does not demonstrate any unfairness to any party. The Tenant was given ample opportunity to give relevant submissions on the preliminary issues and was responded to respectfully, as well as present a witness to also give evidence.
11. A review is not an appeal or an opportunity to change the way a case was presented. Interpretation Guideline 8 - Review of an Order refers to TSL-51694-14-IN-RV (Re), 2015 CanLII 23959 (ON LTB) at para 10:

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.

12. In this case, there is no indication that the Vice Chair applied improper principles in assessing the evidence, the disclosure or the preliminary issues, nor is there an indication there was insufficient evidence before the Board to support the Vice Chairs conclusions and determinations on those preliminary issues. There is no indication the Vice Chair misapplied the law, or exercised discretion unreasonably.

13. As a result, based on 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.

It is ordered that:

1. The request to review order LTB-T-088136-23 issued on May 19, 2026 is denied. The order is confirmed and remains unchanged.

May 20, 2026
Date Issued

Julie Broderick
Member, Landlord and Tenant Board

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Toronto ON M7A 2G6

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