



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

Citation: Penning v Legge, 2026 ONLTB 40367

Date: 2026-05-20

File Number: LTB-L-010530-26-RV

In the matter of: 39 Primrose Dr
Tillsonburg ON N4G5S7

Between: Jacob Penning Landlord

and

Simon Alexander Legge
Claudia Plonerova Tenants

Review Order

Jacob Penning (the 'Landlord') applied for an order to terminate the tenancy and evict Simon Alexander Legge and Claudia Plonerova (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was resolved by order LTB-L-010530-26 issued on May 8, 2026.

On May 19, 2026, the Tenant, Simon Alexander Legge ('SL'), 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.
2. In the request, SL alleges that the hearing Member misrepresented the evidence and submissions made at the hearing. Specifically, SL states that he testified that rent was not paid due to financial difficulties.
3. I have listened to the hearing recording. At multiple points in the recording SL states that he did not pay the rent since September due to maintenance issues in the rental unit that the Landlord was not addressing. At one point in the hearing, the Member asks SL to confirm that he understood correctly that the Tenants were not paying the rent because of maintenance not being done and SL confirms that the Member's understanding is

correct. The hearing Member's summary of SL's evidence given at the hearing in this regard is therefore accurate and not a misrepresentation of SL's evidence at all.

4. The request also alleges that the presiding Member seriously erred by not considering a payment plan as SL offered a payment plan at the hearing. The hearing recording confirms that SL testified at the hearing that he does not wish to continue the tenancy beyond June 30, 2026. This is repeatedly stated by SL during the hearing and confirmed by the hearing Member. It was not an error for the Member not to consider a payment plan which was not presented or requested by the Tenants at the hearing.
5. The request also alleges a serious error with what I interpret to be with respect to the Tenants' request to raise maintenance issues at the hearing pursuant to section 82 of the *Residential Tenancies Act, 2006* (the 'Act'). SL states in the request that he informed the Member that he could not comply with the disclosure requirement due to late notice of the hearing. The request does not state when in the hearing SL raised this and no such statement is confirmed by the hearing recording. The hearing recording confirms that SL repeatedly acknowledges that he did not disclose any issues to the Landlord prior to the hearing.
6. It was reasonable for the Member to refuse to consider the Tenants' section 82 issues when no prior disclosure had been given to the Landlords. While the Tenants' may have received late notice of the hearing, SL does not request an adjournment, nor does he describe what reasonable efforts were made to disclose the issues to the Landlord upon receiving notice of the hearing. It was reasonable in the circumstances for the Member to refuse to hear the Tenants' issues under section 82 when no disclosure was provided to the Landlord nor were any issues filed with the Board.
7. For the foregoing reasons, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings. The request to review must accordingly be denied.

It is ordered that:

1. The request to review order LTB-L-010530-26 issued on May 8, 2026 is denied. The order is confirmed and remains unchanged.

May 20, 2026
Date Issued

Candace Aboussafy
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.