



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

Citation: KALIC v DENTON, 2026 ONLTB 41247

Date: 2026-05-22

File Number: LTB-L-020191-26-SA-RV

In the matter of: 602, 36 ELM DR W
MISSISSAUGA ON L5B0N3

Between: Janet Kalic Landlord
Vladimir Kalic

And

Abiola Denton Tenant
Alabi Olasunkanmi

Review Order

Janet Kalic and Vladimir Kalic (the 'Landlord') applied for an order to terminate the tenancy and evict Abiola Denton and Alabi Olasunkanmi (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in order LTB-L-104608-25, issued on February 26, 2026.

The Landlord's application was resolved by the order LTB-L-020191-26, issued on March 10, 2026. This order was issued without a hearing being held.

On March 14, 2026, the Tenants filed a motion to set aside the order LTB-L-020191-26, issued on March 10, 2026. This motion to set aside was resolved by order LTB-L-020191-26-SA issued on May 20, 2026 pursuant to a hearing held on April 16, 2026 attended by the Tenant Alabi Olasunkanmi, the Landlord, Janet Kalic, and the Landlords' Legal Representative, Giuseppe Rizzuto, attended the hearing.

On May 21, 2026, the Tenant requested a review of order LTB-L-020191-26-SA.

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. The Tenant submits there is a serious error in order LTB-L-020191-26-SA as:
 - a. The Member failed to consider the income of the Tenant, Abiola Denton, in arriving at their decision;

- b. The Tenant has provided additional proof of their income that was not considered in the order;
 - c. The Member made an incorrect finding that there was no agreement to alter the previously consented to payment plan; and
 - d. The Tenant believes they have made all payments as required and are not in default.
- 2. These submissions amount in great part to disagreeing with the Member's conclusions as to facts, and wanting to present further evidence as to why the Tenant believes the Member was incorrect.
 - 3. Absent a serious error, a review is not an opportunity to reargue your case in hopes of a more favourable outcome. Nor is it an opportunity to present evidence and submissions that could and should have been presented at the original hearing.
 - 4. The order sets out detailed reasons for the determinations made by the Member and establishes a reasonable basis for those determinations. Reasonable determinations will not be interfered with on review.
 - 5. I find there is no error in not specifically addressing the income of the Tenant, Abiola Denton, individually in the order. As noted in the Tenant's request to review, this income was not disputed during the hearing. It was the income of Tenant, Alabi Olasunkanmi, that was disputed by the Landlord, and as a result the household income was in dispute. The Member provides cogent reasons at paragraph 21 of order LTB-L-020191-26-SA as to why the Member did not find the Tenant's evidence credible in this regard.
 - 6. The Tenant has provided evidence of their income that was not provided during the hearing, and wish this to be considered to ground a determination that the order contains a serious error. It is not an error for the Member not to have considered evidence that was not presented at the hearing.
 - 7. The remainder of the Tenant's submissions amount only to disagreeing with the Member's conclusions based on the evidence that was before them in the hearing. These findings of fact are reasonable, and are entitled to deference.
 - 8. 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. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.

It is ordered that:

1. The request to review order LTB-L-020191-26-SA issued on May 20, 2026 is denied.
The order is confirmed and remains unchanged.

May 22, 2026
Date Issued

Benjamin Seigel
Member, Landlord and Tenant Board

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