



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

Citation: 2772663 Ontario Limited v Szulczewski, 2026 ONLTB 41323

Date: 2026-05-22

File Number: LTB-L-061830-25-RV

In the matter of: 4, 155 Springhurst Ave
Toronto ON M6E3R4

Between: 2772663 Ontario Limited Landlord

And

Alexis Szulczewski Tenant

Review Order

2772663 Ontario Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Alexis Szulczewski (the 'Tenant') because:

- the Landlord requires possession of the rental unit in order to demolish the unit.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-061830-25 issued on April 24, 2026.

On May 21, 2026, the Landlord requested a review of the order.

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

Determinations:

1. The Landlord alleges that the order contains a serious error. The Landlord also requests a review on the basis of new evidence.
2. With respect to the allegation of serious error, the Landlord's request to review simply restates the Landlord's position at the original hearing (i.e. that the proposed work

constitutes demolition rather than renovation) and expresses the Landlord's disagreement with the determination in the order that the proposed work constitutes renovation.

3. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented.

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.

[TSL-51694-14-IN-RV \(Re\)](#), 2015 CanLII 23959 (ON LTB) at para 10

4. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.
5. 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).

6. While I appreciate that the new evidence was received by the Landlord just prior to the hearing date and could not be disclosed within the timelines set out in the Rules, the Landlord ought to have brought it to the attention of the Member at the hearing and requested a determination with respect to admission rather seeking to introduce it on review. As a result, I am not satisfied that the new evidence could not have been produced at the original hearing.
7. I am also not persuaded that the new evidence would change the result. The Act is wholly different from municipal bylaws and codes. That the proposed work might be viewed as either demolition or renovation by a municipality is not determinative of how the proposed work would be viewed under the Act. As a result, I am not persuaded that the new evidence from the municipality would change the result.
8. As a result, 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 Landlord not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-061830-25 issued on April 24, 2026 is denied. The order is confirmed and remains unchanged.

May 22, 2026
Date Issued

Richard Ferriss
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.