



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

Citation: Macpherson v Falsetto, 2026 ONLTB 41449

Date: 2026-05-25

File Number: LTB-T-040014-24-RV

In the matter of: 207, 222 CLARENCE ST
OTTAWA ON K1N5R1

Between: Douglas Macpherson Tenant

And

Sam Falsetto Landlord
Clarence Street Apartments Inc.
Nabil (superintendent) (unknown lastname)

Review Order

Douglas Macpherson (the 'Tenant') applied for an order determining that Sam Falsetto, Clarence Street Apartments Inc. and Nabil (superintendent) (unknown lastname) (the 'Landlord') :

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was resolved by order LTB-T-040014-24 issued on April 14, 2026.

On May 14, 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. The order under review dismisses the Tenant's application because the Tenant failed to prove the allegations in the application on a balance of probabilities.
2. The Tenant submits that at the outset of the hearing the Member declared that he intends to base his final decision on the "beyond a reasonable doubt" standard of proof. The hearing recording does not support this submission. The Member did not say this in the preamble before hearings began and he did not say this at the outset of (or at any time during) the hearing.

3. The Tenant submits that he did not testify that he received the digitized notices about his bikes under his door but that he testified that he took photographs of paper notices. This is true but there are no determinations in the order that turn on whether the notices were originally digital or on paper.
4. In the review request the Tenant offers an explanation as to why the notices had no letterhead on them. He refers to a notice from 2021 that has no letterhead on it. He did not offer this explanation or refer to this 2021 notice at the hearing. It was therefore not an error to not consider this explanation or 2021 notice.
5. The Tenant submits that the reason that there are no date/time stamps on the photographs that he submitted is because his telephone does not support this feature. That there is a reason for the lack of date/time stamps does not change that there are no date/time stamps on the photographs. Further, even if the photographs had date/time stamps on them that support that they were taken when the Tenant testified they were taken, these photographs would establish only that the Tenant's bikes were in their spot prior to May 18, 2023 and that they were not there on May 18, 2023. This is not sufficient, on its own, to establish that an employee or agent of the Landlord removed the Tenant's bikes or even that they were stolen.
6. The Tenant submits that at the outset of the hearing the Landlord's representative stated that the Landlord has no evidence to present. The Tenant points out that the statement at paragraph 26 of the order that says the Member prefers the Landlord's evidence to the Tenant's evidence. The Tenant submits that this is a reason for the hearing to be adjourned so that the Landlord could provide reasons why they objected to the Tenant's evidence. This submission does not make sense. The Landlord was able to adequately respond to the Tenant's evidence at the hearing. It does appear that the statement at paragraph 26 was made in error, because the Landlord in fact adduced no evidence, documentary or testimonial. However, this error is minor and does not affect the outcome of the proceedings. It was the Tenant's burden to prove his case and he did not do so. In these circumstances it was not necessary for the Landlord to present any evidence.
7. 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.

It is ordered that:

1. The request to review order LTB-T-040014-24 issued on April 14, 2026 is denied. The order is confirmed and remains unchanged.

May 25, 2026
Date Issued

Renée Lang
Vice Chair, Landlord and Tenant Board

Toronto ON M7A 2G6

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