



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

File Number: LTB-L-043882-23-RV

In the matter of: 117 Nymark Ave, Toronto, Ontario, M2J 2H3
119 Nymark Ave, Toronto, Ontario, M2J 2H3
121 Nymark Ave, Toronto, Ontario, M2J 2H3
195 Shaughnessy Blvd, Toronto, Ontario, M2J 1J9
197 Shaughnessy Blvd, Toronto, Ontario, M2J 1J9
199 Shaughnessy Blvd, Toronto, Ontario, M2J 1J9
201 Shaughnessy Blvd, Toronto, Ontario, M2J 1J9
203 Shaughnessy Blvd, Toronto, Ontario, M2J 1J9
205 Shaughnessy Blvd, Toronto, Ontario, M2J 1J9
207 Shaughnessy Blvd, Toronto, Ontario, M2J 1J9
209 Shaughnessy Blvd, Toronto, Ontario, M2J 1J9

Between: Bayview Summit Development Limited Landlord

And

Camille McFarlane Tenant

Review Order

Bayview Summit Development Limited (the 'Landlord') applied for an order permitting the rent charged to be increased by more than the guideline for one or more of the rental units in the residential complex.

This application was resolved by order LTB-L-043882-23 issued on November 5, 2025

On November 19, 2025, the Tenant requested a review of the order.

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

Determinations:

1. This request for a review is about an above guideline rent increase application that was resolved by way of a consent order issued after a Case Management Hearing (CMH). Because this review only concerns one Tenant, a copy of this order will not be issued to the other tenant parties.
2. The Tenant submits that she was not reasonably able to participate in the proceeding because the video link did not work and she could not use the telephone because she left the Notice of Hearing (NOH) at home and was accessing the videoconference from her workplace.

3. The Tenant further submits that there are serious errors in the order because she does not use the underground garage and the replacement of fuses with a breaker panel is maintenance.
4. 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.
5. I find that the Tenant had a reasonable opportunity to participate in the proceeding but did not exercise due diligence by failing to keep the NOH with her for reference (*Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 CanLII (Div. Ct.)) ("*Berezovs'ka*"). The NOH provided a telephone number to use as an alternative method of accessing the hearing. The NOH also states that: "If you have technical issues joining your hearing on Zoom, you can email LTBHearingSupport@ontario.ca, or call 416-212-9064 (toll-free 866-769-7865). Staff will help you join your hearing."
6. The Tenant's failure to take the NOH to work is not a reasonable basis for rehearing the application. In *Berezovs'ka*, at para. 8, the Court noted that:

If parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders.

7. Concerning the alleged serious errors, the order the Tenant seeks to review is a consent order. A consent order can only be set aside on the grounds of common mistake, fraud, duress, misrepresentation, lack of capacity or unconscionability (*Chitel v. Rothbart*, 1984 CarswellOnt 358 (Ont. Div. Ct.)). None of these grounds apply.

It is ordered that:

1. The request to review order LTB-L-043882-23 issued on November 5, 2025, is denied. The order is confirmed and remains unchanged.

May 27, 2026
Date Issued

Egya Sangmuah
Vice Chair, 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.