



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

Citation: Bronte Village Limited Partnership v Haynes-John, 2026 ONLTB 43181

Date: 2026-05-29

File Number: LTB-L-030596-26-SA-RV

In the matter of: 716, 133 BRONTE RD
OAKVILLE ON L6L0H1

Between:	Bronte Village Limited Partnership	Landlord
	And	
	Lisa Haynes-John	Tenant

Review Order

Bronte Village Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Lisa Haynes-John (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 the order issued by the Board on January 28, 2026 with respect to application LTB-L-099285-25-SA.

This application was resolved by order LTB-L-030596-26 issued on May 27, 2026.

On May 27, 2026, the Tenant requested a review of the order.

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

Determinations:

1. In the review request, the Tenant believes the presiding Member made a serious error related to the reliability of the Landlord's ledger and believes the Member failed to consider section 83 of the Act related to discretionary relief.
2. 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.

Did the Member err by accepting the Landlord's ledger?

3. The Tenant asserts that the Landlord's ledger is "unreliable" and she did not have sufficient time prior to the hearing to properly prepare to challenge the Landlord's position. She said that the Landlord provided an L1/L9 update on the Friday before a long weekend and she did not have time to review and reconcile the accounting. As a result, the Member made a serious error in accepting the Landlord's evidence.

4. The Landlord's disclosure was provided to the Tenant on May 16, 2026 and the hearing was held on May 19, 2026. In my view, the Tenant had ample time to prepare for the hearing. The Tenant has been aware of the arrears claimed by the Landlord since around June 16, 2025 when the Landlord served the N4 termination notice to the Tenant. If the Tenant believed the Landlord's ledger contained incorrect accounting, the Tenant could have easily prepared for the hearing prior to receipt of the L1/L9 ledger as she believed the Landlord has a history of "unreliable" accounting. It would have been reasonable for the Tenant to do due diligence in advance of the hearing.
5. In paragraph 1 of the May 27, 2026 order, the Member considered the Tenant's claims and reviewed those claims against the Landlord's ledger and found no error in the ledger. While the Tenant continues to challenge that determination, there is no substance to the claim that the Member made a serious error.

Was the Member required to consider s.83 relief in this circumstance?

6. The Tenant asserts that the Member should have used his discretion to consider relief under s.83 of the Act.
7. I disagree. With a section 78 motion, the Member was responsible to determine whether the Tenant breached the prior order or agreement as alleged in the L4 application. Following the analysis of the breach, the Member must determine whether it would be unfair in all the circumstances to set aside the eviction order pursuant to s.78(11)(b), not under s.83(1)(b) as suggested by the Tenant.
8. Here, the Member considered the amount of arrears, the conditional order and relief extended to the Tenant and that the Tenant was "required to stringently comply" with the payment schedule, the delays provided in payment terms to assist the Tenant and the Tenant's continued failure to pay the rent as required. It is clear the Member turned his mind to the correct legal test to arrive at the ultimate outcome.
9. Orders granting relief from eviction under s.78(11)(b) of the Act, involve an exercise of the original hearing Member's discretion and are entitled to deference. The LTB will not exercise its discretion to review these types of decisions where the result is within the range of reasonable, acceptable outcomes.
10. At paragraphs 2 to 7 of the order, the Member considers the circumstances as required to determine that it would be unfair having to set aside the order. In my view, the ultimate decision to deny the motion was a cumulative analysis of all of these factors and a required step in considering a s.78 motion. The Member has discretion to make such a finding and the decision falls within a reasonable range of outcomes given the circumstances of this case.
11. Given all of the above, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceeding. The review request must be denied.

It is ordered that:

1. The request to review order LTB-L-030596-26 issued on May 27, 2026 is denied. The order is confirmed and remains unchanged.

May 29, 2026
Date Issued

Dana Wren
Member, Landlord and Tenant Board

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