



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

Citation: Lannon v McDonald, 2026 ONLTB 43182

Date: 2026-05-29

File Number: LTB-L-088110-25-RV

In the matter of: Unit B, 300 Summerhill Dr
Thunder Bay ON P7B7C2

Between: Christine Lannon Landlord

and

Edward McDonald Tenant

and

Bristol McDonald
Ayla Thurston Unauthorized Occupants

Review Order

Christine Lannon (the 'Landlord') applied for an order to terminate the tenancy of Edward McDonald (the 'Tenant') and evict Bristol McDonald and Ayla Thurston (the 'Unauthorized Occupants') because the Tenant transferred occupancy of the rental unit to the Unauthorized Occupants without the Landlord's consent. The Landlord also applied for compensation by the unauthorized Occupants for the use of the rental unit.

This application was resolved by order LTB-L-088110-25 issued on May 15, 2026.

On May 28, 2026, the requested a review of the order.

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

Determinations:

1. The application was heard by videoconference on April 14, 2026. The Landlord, the Tenant and the alleged Unauthorized Occupants attended the hearing. Kristine Lukanchoff testified on behalf of the Landlord.
2. The Landlord filed this review request on the basis of serious error. For the reasons set out below, the review request is denied.

3. The Landlord disputes that Edward McDonald ('EM') still lives in the rental unit and asserts that he did in fact transfer occupancy of the rental unit to the alleged Unauthorized Occupants. The hearing Member determined that EM does still live in the rental unit although he does spend time staying at his girlfriend's place or sometimes or at his daughter's place when babysitting his grandchildren. The hearing Member also found that the Landlord's witnesses either provided insufficient evidence as observations were for a very narrow time frame or their testimony lacked credibility.
4. It is the Landlord's application and therefore, the onus is on the Landlord to prove on a balance of probabilities that EM transferred occupancy of the rental unit to the alleged Unauthorized Occupants. In this case, the hearing Member found that the Landlord did not prove this on a balance of probabilities as she preferred the evidence of EM and the alleged Unauthorized Occupants to the Landlord's witnesses.
5. Although the Landlord submits that their witnesses were more credible because the Tenant and the alleged Unauthorized Occupant's testimony was "self-serving", I do not agree. It would be absurd to assume that a party's evidence is automatically less credible simply because it supports their interests. The Landlord does not point to anything specific which occurred in the hearing to support their proposition that the Member's assessment of the evidence and credibility of the witnesses was clearly wrong and unreasonable.
6. The Board's review process is not an opportunity for a person to re-argue an application that has been finally determined. Although the Landlord disagrees with the hearing member's finding, the hearing member was in the best position to admit and consider the parties' relevant evidence and submissions, and to make findings of credibility.
7. The order sets out in sufficient detail the reasons why the adjudicator arrived at her conclusions. The order, for example, identifies the parties' evidence, explains the inconsistencies in the Landlord's witnesses' testimony and explains why it is more likely than not that EM still lives in the unit, even if only for some of the time. The order is therefore an adequate order, and it is evident that the hearing member's findings of fact are rationally connected to the evidence adduced during the hearing. Put differently, the hearing member's findings of fact are not capricious.
8. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order and the request to review the order shall accordingly be denied.

It is ordered that:

1. The request to review order LTB-L-088110-25 issued on May 15, 2026 is denied. The order is confirmed and remains unchanged.

May 29, 2026
Date Issued

Candace Aboussafy
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.