



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

Citation: Ritchie v Lauzon, 2026 ONLTB 43303

Date: 2026-06-01

File Number: LTB-L-096249-25-RV

In the matter of: 4, 367 Harrsion Drive
Sudbury ON P3E5E1

Between: Stephen D Ritchie Landlords
Nathalie Ritchie

And

Carole Lauzon Tenant

Review Order

Stephen D Ritchie and Nathalie Ritchie (the 'Landlords') applied for an order to terminate the tenancy and evict Carole Lauzon (the 'Tenant') because:

- the Landlords in good faith require possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-096249-25 issued on May 1, 2026.

On May 29, 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 review request seeks to challenge the outcome of the May 1, 2026 order. Specifically, the Tenant states the Member:
 - Failed to adequately consider the issues related to service,
 - Failed to consider the full history with the Landlords,
 - Failed to address the argument that she was never offered another rental unit;
 - Created a reasonable apprehension of bias with costs,
 - Misapplied the test for "good faith"
2. I have reviewed the Board's application record and have listened to relevant portions of the February 19, 2026 hearing recording.

3. 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.

The Service of the N12 Notice

4. The Tenant challenges the Member's determination that the Landlord properly served the N12 termination notice.
5. The hearing recording and the hearing order confirm that the Tenant fully engaged her right to participate at the hearing, including raising a preliminary issue in relation to service of the notice.
6. The Member considered the submissions and evidence led by the parties as identified in paragraphs 1 to 3 of the order.
7. The hearing recording and application record show that there was sufficient evidence for the presiding Board adjudicator to find, on a balance of probabilities, that the Landlord complied with service requirements.
8. The Member was in the best position to admit and consider the parties' relevant evidence. Since there was evidence for the Member to conclude that the Landlord served the notice as required. The Member's findings of fact are rational and entitled to deference.

Did the Member accurately consider the evidence and did the Member exhibit bias?

9. The majority of the Tenant's review request essentially disagrees with the Member's findings. The Tenant believes that the Member did not adequately consider the full history of the landlord/tenant relationship and did not consider if the Tenant was offered another unit.
10. The recording and the order confirm that Member considered all relevant evidence related to the application. As per paragraphs 17 to 22 of the order, the Member did consider the Tenant's testimony related to a 2008 rent increase, previous N12 notices and a related LTB order, whether another unit was offered, the Tenant's claims of retaliation and the Landlord's other assets. It therefore cannot be said that the Member failed to consider the history of the relationship.
11. The Board has published Guideline # 8, entitled "Review of an Order", in order to assist parties in understanding how the Board normally approaches issues that arise. It is not binding on me but I find it informative, useful and choose to follow it. As noted in Guideline # 8, errors of fact can be successful grounds for review but only where the error of fact which "was material to the decision, and **was clearly an unreasonable finding considering the evidence** which was before the Member" [emphasis added]. Here, the Tenant's request for review contains a wide rejection of the Member's findings of fact but there is nothing in the request for review suggestive of the possibility that there

was no evidence to support the Member's findings of fact, or that the Member applied incorrect principles or considerations in arriving at her findings of fact, or that the findings were otherwise unreasonable or capricious.

12. The Tenant attended the hearing, made submissions, led evidence and challenged the Landlord's submissions and evidence. The Member, on multiple occasions took pause and reminded the Tenant of the process. At around 41:59 of the recording, the Tenant refused to follow procedure and the Member exercised patience in again explaining the process. After having spent considerable time repeating the process, the Member said she may have to consider costs for further delay.
13. At around 48:52 of the hearing recording, the Tenant stated she believed the Member was being antagonistic toward her because she was not understanding the process. The Member took great care in explaining the process for cross examination and participating at the hearing. It seems to me that the Tenant chose not to follow the instructions provided multiple times by the Member and preferred to participate at the hearing the way she prepared and not by the required process.
14. The test for reasonable apprehension of bias is found in the dissenting judgment of Mr. Justice de Grandpre in *Committee for Justice and Liberty et al v National Energy Board et al* [1978] SCR 369 at 394:

...the apprehension of bias must be a reasonable one, held by reasonable and right minded persons, applying themselves to the question and obtaining thereon the required information. In the words of the Court of Appeal, that test is "what would an informed person, viewing the matter realistically and practically – and having thought the matter through- conclude. Would he think that it is more likely than not that [the decision maker], whether consciously or unconsciously, would not decide fairly.

15. Having listened to the recording, I do not find the Member acted in an inappropriate manner. The interactions between the Tenant and the Member were almost exclusively about explaining and repeating the hearing process. The Member was moving the hearing forward and controlling the hearing room in a direct and respectful manner.
16. Upon reviewing the record, I do not believe that an informed and reasonable person, viewing the matter realistically and practically, and having thought the matter through would conclude that there is a reasonable apprehension of bias in this case. The Member had taken consider time in explain and repeating the process to the Tenant and the Tenant continued to refuse to follow the Member's direction. None of the behaviour complained of was in any way of the ordinary or unreasonable.

Did the Member consider the proper legal "good faith" test?

17. The Tenant says that the order contains an error of law because the member failed to properly apply the legal test for the Landlord's own use application.

18. The threshold issue for me to consider in this preliminary review is whether there was sufficient evidence on the record that would reasonably support these determinations. The record clearly reflects that the Member correctly applied the legal test of “good faith” as set out in *Salter v. Beljinac*, 2001 CanLII 40231 (ON SCDC), [2001], O.J. No. 2792 (Div. Ct.), *Feeny v. Noble*, 1994 CanLII 10538 (ON SC). The Member heard the evidence first hand and assessed the credibility of the parties and documentation before her. The Member provided reasons to support her findings. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the testimony and of hearing the evidence in its totality.
19. I also considered that at the onset of the hearing, the Member explained the law and what the possible outcomes of the hearing might be. I cannot be said that the Member misapplied the legal test as it was articulated at the hearing and in the order.
20. The order at paragraphs 26 to 32 sets out, in detail, the “good faith” legal test. The Member accurately puts the onus of proof on the Landlords. The Member considered the evidence of the Landlords related to retirement planning, downsizing, unit options and their genuine intention to move into the rental unit. The Member’s finding of good faith is directly tied to the evidence presented at the hearing.
21. In effect, in the request for review, the Tenant seeks to revisit the Member’s conclusion in its entirety. The Tenant was in attendance at the hearing and, as stated above, had ample opportunity to present evidence and to challenge the evidence of the Landlord by way of cross-examination and/or documentary evidence in support of their claim. 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.
22. Given 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 Tenant’s review request must be denied.

It is ordered that:

1. The request to review order LTB-L-096249-25 issued on May 1, 2026 is denied. The order is confirmed and remains unchanged.

June 1, 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.