



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

Citation: Van Veen v Demers, 2026 ONLTB 43869

Date: 2026-06-02

File Number: LTB-T-011264-26-RV

In the matter of: Lower Unit, 267 McAlpine Avenue South
Welland ON L3B1T8

Between: Braedon Van Veen Tenant

And

Sylvain Demers Landlord
Joanne Demers

Review Order

Braedon Van Veen (the 'Tenant') applied for an order determining that Sylvain Demers and Joanne Demers (the 'Landlord'):

- entered the rental unit illegally.
- 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. (T2 Application)

The Tenant also applied for an order determining that the Landlords failed to meet the Landlord's maintenance obligations under the Residential Tenancies Act, 2006 (the 'Act') or failed to comply with health, safety, housing or maintenance standards (T6 Application).

This application was resolved by order LTB-T-011264-26 issued on May 1, 2026.

On June 1, 2026, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant submits that the order makes an error in law and fact with respect to the presence of mould in January 2026. The Tenant submits that the finding that the Landlord had adequately addressed moisture issues in January 2026, based on contractor reports, overlooks a timeline of events set out at paragraph 9 of the order, specifically that the contractors' observations were made after some demolition had taken place. Paragraph 9 of the order does not state that any demolition took place and

so I cannot conclude that the Member made a factual finding about the timing during which demolition took place and then failed to consider this finding. There is no indication in the order or in the review request that the Tenant presented evidence about this demolition work or the timing of the contractors' assessments and so I am not satisfied that the Member erred by failing to consider demolition work that allegedly took place before these assessments.

2. The Tenant submits that he was put into a state of emotional distress by the actions of the Landlord immediately prior to the hearing date and on the hearing date and that this emotional distress negatively affected the Tenant's ability to advance their case. There is no indication in the order or in the review request that the Tenant raised issues respecting the Landlord's conduct with respect to the application at the hearing and requested that the Member address these issues. I am therefore not satisfied that the Member was aware of these issues. It was not an error for the Member to fail to address issues that were not brought to his attention.
3. I have also considered that the order does not mention s.8 of the General Regulation under the *Residential Tenancies Act, 2006* (the 'Act'). This section of the regulation provides for a more restricted assessment of substantial interference where the interference arises from maintenance or repair work in the residential complex or in the unit. The purpose of this section is to make it more difficult for tenants to claim substantial interference due to maintenance and repairs. The order applies the less restricted assessment of substantial interference and the Member was not satisfied that the Landlord's work caused substantial interference. If the Member had applied the stricter standard of assessment in s.8 of the regulation, the result would have been the same because s.8 does not expand the way the LTB assesses substantial interference in these situations.
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.

It is ordered that:

1. The request to review order LTB-T-011264-26 issued on May 1, 2026 is denied. The order is confirmed and remains unchanged.

June 2, 2026
Date Issued

Renée Lang
Vice Chair, 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.