



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

Citation: Niagara Regional Housing v Roberts, 2026 ONLTB 44172

Date: 2026-06-03

File Number: LTB-L-040686-26-RV

In the matter of: 314, 15 GALE CRES
ST CATHARINES ON L2R7G3

Between: Niagara Regional Housing Landlord

And

Kelly Roberts Tenant

And

Yinlu Zhou Interested
Party

Review Order

Niagara Regional Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Kelly Roberts (the 'Tenant') and Yinlu Zhou (the 'Interested Party') because the Tenant entered into an agreement to terminate the tenancy.

This application was resolved by order LTB-L-040686-26 issued on May 15, 2026 issued without a hearing being held.

On June 2, 2026, the Interested Party requested a review of the order.

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

Determinations:

1. The Interested Party filed a review request stating they are an occupant of the rental unit, the Landlord was aware of their occupancy, and on that basis it was both a serious error to issue the order and that the Interested Party was not reasonably able to participate in the proceeding.
2. For the following reasons the review request is denied.
3. The order was issued pursuant to an N11 Agreement to End the Tenancy with a termination date of April 30, 2026 signed by the Tenant and the Landlord. The Interested

Party states they are residing in and occupying the rental unit, and that the Landlord is aware of this. They also allege that the Landlord treated the tenancy as ongoing given they served an N4 Notice of Termination following the termination date specified in the N11 Agreement to End Tenancy, but prior to the issuance of the order, and accepted rent in respect of May, 2026. I note that this N4 Notice of Termination names only the Tenant, and not the Interested Party.

4. The Interested Party does not have standing to bring the review request. The Interested Party did not check off the box indicating that they are a tenant but rather checked off a box on the review request that says that they are an “other party”. The Interested Party consistently refers to themselves throughout the request as someone impacted by the order not as a tenant. The Interested Party checking off the box that they are an “other party”, consistently referring to themselves as someone impacted by the order supports that they are an occupant not a tenant. Indeed the Interested Party does not appear to be alleging that they are a tenant.
5. In this instance the only information provided that could in other circumstances possibly ground a finding that the Interested Party is a tenant is the submission that the Landlord was aware of the Interested Party’s occupancy, and that the Landlord had asked about the Tenant’s whereabouts on multiple occasions. In other circumstances this could lead to an implied tenancy if a finding was made that the Landlord was aware that the Tenant had transferred occupancy to the Interested Party and had not made an application pursuant to section 100(1) of the *Residential Tenancies Act*, 2006 (the “Act”) within the time limitation contained in section 100(2) of the Act.
6. However, in this instance the time limitation under section 100(2) of the Act does not apply. Item 6 of Schedule 21 of O.Reg. 368/11 specifies that 15 Gale Crescent, St. Catharines is a non-profit housing project operating under Part VII of the *Housing Services Act*, 2011. As such, pursuant to section 7(1)3.i. of the Act, the operation of section 100(2) of the Act is not applicable to the rental unit, and therefore no tenancy can be implied in this manner.
7. In *So v. Canadian Mental Health Association*, Toronto Branch, 2024 ONSC 3371 (Div. Ct.) (CanLII), the Divisional Court affirmed that a person who requests a review of an order must give “sufficient information to support a preliminary finding of an alleged serious error or an explanation why the requestor was not reasonably able to participate in the hearing”, per Rule 26.8 of the Board’s Rules of Procedure. The Interested Party has provided insufficient information to explain what would make them a tenant. As such they have provided insufficient information to justify granting a preliminary review on the issue.
8. Only parties have participatory rights at the Board. While the circumstances of an occupant can be relevant to findings made by the Board, including but not limited to, whether relief from eviction pursuant to section 83 of the Act should be granted, that does not mean that occupants have participation rights independent of a tenant.

9. While Rule 26.1 of the Board's Rules of Procedure establishes that a person who is directly affected by a final order may request a review, that does not mean that occupants have additional participatory rights on review that they do not have at a merits hearing. The rules surrounding who can file a review are purposefully broad so as not to exclude parties that were not named on the original application but should have been. An example provided in the Board's interpretation guideline on reviews for who can file a review is an owner of a residential complex that has two owners but only one was named in the application and participated in the hearing. The other owner likely meets the definition of landlord and therefore has the standing to file the review despite not being named in the original proceedings.
10. These are not the circumstances at bar here. I find there was no breach of procedural fairness or serious error in the Board issuing an ex-parte order for eviction based on an N11 Agreement to End Tenancy signed by the Landlord and Tenant without input from the occupant.
11. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order, that a serious error occurred in the proceedings, or that the Interested Party was not reasonably able to participate in the proceeding given my findings as to their standing above.

It is ordered that:

1. The request to review order LTB-L-040686-26 issued on May 15, 2026 is denied. The order is confirmed and remains unchanged.

June 3, 2026
Date Issued

Benjamin Seigel
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.