



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

File Number: LTB-T-099413-25-IN-RV

In the matter of: unit 2, 24 VETERANS WAY
CAMBRIDGE ON N1R3K7

Between: Rosemary Mills Tenant

And

Gregory Beifuss Landlord

Review Order

Rosemary Mills (the 'Tenant') applied for an order determining that Gregory Beifuss (the 'Landlord') gave a notice of termination in bad faith.

The hearing commenced on May 6, 2026 and interim order LTB-T-099413-25-IN was issued on May 26, 2026.

On June 2, 2026, the Purchaser requested a review of the interim order.

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

Determinations:

1. In the review request, the Purchaser believes the presiding Member seriously erred by not dismissing the Tenant's application for failure to properly name the Former Landlord as party to the application. The Tenant did not request to amend the application to add the Former Landlord.
2. The Purchaser Landlord believes the Member erred in his interpretation and application of the Guideline and precedence with reference to the word "should" when naming the Former Landlord and stating "should" be interpreted as "shall". Overall, the Purchaser believes that the Tenant is required to name the Former Landlord.
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.
4. For clarity, while Guideline 12 uses the word "should" when naming landlord parties, it is not binding and reflects the Board's general approach. However, there is nothing in the Rules or precedence that requires a tenant to name the Former Landlord in a T5 application. Further, the decision of the Court of Appeal in *Elkins v. Van Wissen* does not state naming the Former Landlord is a requirement.

5. Correctly so, the presiding Member points out at paragraph 7 and 8 of the interim order the “litigation risk” for the Tenant’s failure in adding the Former Tenant as a named party. Additionally, the order also suggests the parties’ ability to call the Former Landlord as witness.
6. The Tenant’s decision to exclude the Former Landlord from the application does not prevent the Board from ultimately finding that it was the Former Landlord who acted in bad faith. It is open to the Board to consider the role and conduct of the Former Landlord without the Former Landlord named as a party.
7. Given the above and in my view, there is no serious error in the interim order. The Purchaser is not prejudiced by the Member’s decisions and the Purchaser can challenge the bad faith intention of the Former Landlord and lead evidence and summons the Former Landlord to participate at the next scheduled hearing.
8. The Purchaser’s request to review the interim order is denied.

It is ordered that:

1. The request to review order LTB-T-099413-25-IN issued on May 26, 2026 is denied. The order is confirmed and remains unchanged.

June 3, 2026
Date Issued

Dana Wren
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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