



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

Citation: Allan v Fitzgerald, 2026 ONLTB 44890

Date: 2026-06-05

File Number: LTB-L-088883-24-RV

In the matter of: 2, 48 DREW ST
Oshawa ON L1H5A1

Between: John Allan Landlord
Jennifer Allan
Jacalyn Wood
Ron Wood

And

Roxanne Fitzgerald Tenant

Review Order

John Allan, Jennifer Allan, Jacalyn Wood and Ron Wood (the 'Landlord') applied for an order to terminate the tenancy and evict Roxanne Fitzgerald (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

This application was resolved by order LTB-L-088883-24-BIR issued on June 2, 2026.

On June 4, 2026, the Landlord requested a review of the order.

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

Determinations:

1. The order provides that the tenancy will continue if the Tenant meets the conditions set out in the order. However, the order contains a clerical error because it also says that the tenancy is terminated on a date in the past. The clerical error was corrected in order LTB-L-088883-24-BIR-AM issued on June 4, 2026. As such the Landlord's submissions in the review request about that error are now moot. If the Landlord believes the amended order contains a serious error, the Landlord can file a request to review that order.
2. The Landlord asks that the Board reconsider its decision to provide relief from eviction and asks that eviction be imposed instead. The Landlord also disagrees with the Board's categorization of the seriousness of the issue that was the subject of the application. On

the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.

3. The review request is an attempt to reargue an application that has been finally determined. That is not the purpose of a review request. The Divisional Court in *Browne v. Henley Crescent*, 2026 ONSC 455 recently concluded that the Board made an error in law in conducting a review in the absence of a serious error. As in that case, the decision under review has the hallmarks of a reasonable decision. Disagreeing with a result is not sufficient to make a decision irrational. As the Supreme Court of Canada has pointed out, reasonable people can disagree; the fact that they do is not sufficient to make a decision unreasonable: see *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, at para. 83.)
4. The decision to grant relief from eviction is an exercise of the Member's discretion and is entitled to deference. The reasonable exercise of discretion will not be interfered with on review. The order provides sufficient and reasonable reasons for why relief from eviction was granted.

It is ordered that:

1. The request to review order LTB-L-088883-24-BIR issued on June 2, 2026 is denied.

June 5, 2026
Date Issued

Amanda Kovats
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.