



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

Citation: Ebanks v Toronto Community Housing, 2026 ONLTB 45193

Date: 2026-06-05

File Number: LTB-T-016247-24-RV

In the matter of: 411, 40 Lower river Street
Toronto ON M5A0J9

Between: Julie Ebanks Tenant

And

Toronto Community Housing Landlord

Review Order

Julie Ebanks (the 'Tenant') applied for an order determining that Toronto Community Housing (the 'Landlord') 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.

This application was resolved by order LTB-T-016247-24 issued on May 14, 2026.

On May 19, 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 Tenant requests a review of the order dismissing their application as they submit it there were serious errors in the order or in the proceedings. The Tenant makes a number of submissions in this regard. These can be summarized as:
 - a. The reasons in the order do not fully reflect the testimony of the Tenant and evidence presented for consideration by the Member;
 - b. The Member made unreasonable findings of fact based on the evidence presented for consideration;
 - c. The Tenant disagrees with the determinations made by the Member;

- d. There was a procedural error in the hearing as the Tenant was not permitted to make a closing statement at the end of the hearing, while the Landlord was permitted to do so; and
- e. There was a procedural error in the hearing as the Member required the Tenant to direct them to evidence in the Tribunals Ontario Portal, but the Tenant did not have access to the portal until after the hearing and was therefore unable to do so.

Adequacy of Reasons

2. The Tenant submits that the order does not reflect their full testimony and other evidence submitted in the hearing.
3. The standard required for the reasons in a decision made by an administrative tribunal was outlined by the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 (CanLII) (“Vavilov”) which states at paragraphs 127 and 128 that:
4. “[127] *The principles of justification and transparency require that an administrative decision maker’s reasons meaningfully account for the central issues and concerns raised by the parties. The principle that the individual or individuals affected by a decision should have the opportunity to present their case fully and fairly underlies the duty of procedural fairness and is rooted in the right to be heard: Baker, at para. 28. The concept of responsive reasons is inherently bound up with this principle, because reasons are the primary mechanism by which decision makers demonstrate that they have actually listened to the parties.*
5. [128] ***Reviewing courts cannot expect administrative decision makers to “respond to every argument or line of possible analysis” (Newfoundland Nurses, at para. 25), or to “make an explicit finding on each constituent element, however subordinate, leading to its final conclusion” (para. 16). To impose such expectations would have a paralyzing effect on the proper functioning of administrative bodies and would needlessly compromise important values such as efficiency and access to justice. However, a decision maker’s failure to meaningfully grapple with key issues or central arguments raised by the parties may call into question whether the decision maker was actually alert and sensitive to the matter before it. In addition to assuring parties that their concerns have been heard, the process of drafting reasons with care and attention can alert the decision maker to inadvertent gaps and other flaws in its reasoning: Baker, at para. 39.*** [emphasis added]
6. I find that the reasons contained within the order meet this standard. The key issues in this instance are what maintenance issues occurred in the rental unit, and whether or not the Landlord provided a reasonable response to them (and if the Member determines the Landlord did not, what impact this had on the Tenant).
7. The order reviews in some detail the evidence of each of the Tenant and Landlord in respect of each maintenance issue raised, and then provides a detailed analysis for why

while the Member is satisfied there were maintenance issues in the unit, the Landlord responded reasonably in relation to them and did not breach their obligations under section 20(1) of the *Residential Tenancies Act*, 2006 (the “Act”). The order is not required to reflect verbatim every detail testified to by the Tenant, nor note each and every piece of evidence submitted.

8. I find there is no serious error in the order in regard to the adequacy of reasons provided.

Findings of Fact

9. The order sets out detailed reasons for the determinations made by the Member and establishes a reasonable basis for those determinations. Reasonable determinations will not be interfered with on review.
10. While the Tenant submits that their evidence is not accurately reflected in the order in several instances, upon reviewing the recording and evidence filed, I find the evidence as reflected in the order is reasonably interpreted. I am not satisfied that the Member misapprehended the Tenant’s evidence.
11. There is nothing in the record to support a determination that the hearing member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I find therefore that there is no serious error in the order in this respect.

Disagreement and Request for Reconsideration

12. The Tenant disagrees with several conclusions made in the order, and asks the Board to take a further review of the evidence and reconsider its conclusions.
13. Disagreement with the conclusions of the Member is not sufficient to ground a review. Absent a serious error, a review is not an opportunity to reargue your case in hopes of a more favourable outcome. It would be inappropriate to reconsider the evidence presented and substitute different conclusions for that of the Member who was in the best position to assess parties’ evidence and come to determinations on them.

Closing Submissions

14. The Tenant’s request states that they were not given an opportunity to provide a closing statement at the conclusion of the hearing, while the Landlord was permitted to do so, and this resulted in procedural unfairness as they were unable to address certain issues they wished to address.
15. This submission is inaccurate. Having reviewed the recording, the Tenant was given an opportunity to give a closing submission, and did give a closing submission (Recording Timestamp 4:09:35 to 4:15:07). On this basis, I find there was no serious error in the proceeding in this regard.

Organization of Evidence

16. The Tenant submits that there was a procedural error in the hearing as the Member required the Tenant to direct the Member to their evidence as filed in the Tribunals Ontario Portal, but the Tenant did not gain access to the Tribunals Ontario Portal until after the hearing. The Tenant submits they filed evidence by e-mail, and many of those e-mails contained cover pages explaining what was contained in the documents. The Tenant believed LTB staff would re-label these in a manner based on those descriptions so that their evidence would be sufficiently organized to utilize during the hearing.
17. It is the Tenant's responsibility to ensure they provide evidence to the Board in a manner that complies with the LTB's Practice Direction on Evidence, and therefore are in a position to present their evidence to the Board in an organized manner. I note that the LTB's Practice Direction on Evidence specifies:

"All documents, photographs and other items provided to the other parties and the LTB as evidence must:

- a. be readable*
- b. have consecutively numbered pages; and*
- c. **include a list or table of contents identifying each item in order, and by page number, if more than one item is being submitted.**"*

[emphasis added]

18. Specifically in relation to filings made by e-mail the Practice Direction specifies:

*"All materials you intend to rely upon must be sent as an attachment to the email. **The body of the email must provide a brief description of the attached documents. The sender must also include a separate table of contents as described above.**"*

[emphasis added]

19. Having reviewed the record, it appears the only description contained in the body of each e-mail was the number of the e-mail sent. There was also no table of contents included with the evidence as required by the Practice Direction. The Tenant did not follow the LTB's Practice Direction on Evidence. If they had done so, the evidence would have been sufficiently organized to be capable of presentation at the hearing.
20. Despite this, the record indicates that the Member permitted the Tenant to reference all the evidence that they had filed, even if it could not be readily located during the hearing. The Member then allowed the Tenant to provide this evidence in a more organized manner following the hearing so that it could be reviewed prior to the Member making determinations. I find there is no breach of procedural fairness or serious error in proceeding in this manner in the circumstances.

21. 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.

It is ordered that:

1. The request to review order LTB-T-016247-24 issued on May 14, 2026 is denied. The order is confirmed and remains unchanged.

June 5, 2026
Date Issued

Benjamin Seigel
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.