



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

Citation: Pam Gardens Non Profit Housing Inc. v O'Hara, 2026 ONLTB 45362

Date: 2026-06-08

File Number: LTB-L-005691-26-SA-RV

In the matter of: 19, 711 Pond Mills Rd
London ON N5Z4Y8

Between: Pam Gardens Non Profit Housing Inc. Landlord

and

Alexandra O'Hara Tenant

Review Order

Pam Gardens Non Profit Housing Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Alexandra O'Hara (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant failed to meet a condition specified in the order issued by the Board on December 4, 2025 with respect to application LTB-L-072926-25-SA-AM.

This application was resolved by order LTB-L-005691-26 issued on June 1, 2026.

On June 5, 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 alleges that there is a serious error in the order and that a serious error occurred in the proceedings.
2. 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.
3. The Tenant submits that the hearing Member seriously erred by not considering her circumstances pursuant to section 83 of the *Residential Tenancies Act, 2006* (the 'Act'). Section 83 of the Act applies to applications for eviction, not motions to set aside an order. The hearing Member correctly identified the applicable section, being section 78(11) of the Act, and considered all of the circumstances in determining that it would be

unfair to set aside the order. The hearing Member also considered the circumstances disclosed in determining that it would be fair to delay lifting the stay until June 30, 2026.

4. The Tenant also submits that the presiding Member seriously erred by failing to consider her son's disability and other personal circumstances. I have listened to the hearing recording and was unable to locate any specific instance in the hearing where the Tenant specifically spoke about her son having a specific disability or in what context the Member ought to have considered this. The review request also does not identify when in the hearing the issues she alleges were not considered were raised by the Tenant. Prior to concluding the Tenant's evidence, the Member asked the Tenant if she had any other evidence or submissions, she wished to make that had not been covered and the Tenant stated that she did not. A review is not an opportunity to make submissions that could have been made at the hearing of first instance.
5. Nevertheless, the Member is not required to make an explicit finding or explicitly address each piece of evidence submitted by the parties in his decision¹. It is evidence from the order that the Member considered the Tenant's 12-year-old son in his determination that lifting of the stay should be delayed.
6. The Tenant also alleges that the presiding Member seriously erred by refusing to allow her to question the Landlord. The hearing recording confirms that the Tenant was afforded full opportunity to cross-examine the Landlord's witnesses. What it appears the Tenant is actually alleging here is that the Member did not allow the Tenant to question the Landlord's legal representative on his legal strategies as it related to specific evidence. The Landlord's legal representative did not give evidence, and the Tenant therefore did not have a right to cross-examine him. It was therefore not an error for the Member not to permit the Tenant to question an individual who was not and did not give evidence.
7. The Tenant also submits that the presiding Member seriously erred by stating that written letters were not permitted. The hearing recording confirms that the Tenant did not attempt to introduce any written letters into evidence; rather, the Tenant made a vague reference to letters which she produced as evidence in a prior hearing before the Board. The Member was not required to admit or consider evidence which was not before him in this application.
8. Additionally, the hearing Member correctly identified that the written letters the Tenant referred to would be hearsay. While the Board does have jurisdiction to admit hearsay, in this case, the hearing Member determined that it would be prejudicial to the Landlord to admit hearsay evidence as the Landlord is unable to cross-examine the authors of the letters. Therefore, it was not an error to not admit or consider the written letters.

¹ *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708

It is ordered that:

1. The request to review order LTB-L-005691-26 issued on June 1, 2026 is denied. The order is confirmed and remains unchanged.

June 8, 2026
Date Issued

Candace Aboussafy
Member, Landlord and Tenant Board

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