



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

Citation: Takhsha v Cheng, 2026 ONLTB 45729

Date: 2026-06-09

File Number: LTB-L-011605-26-RV

In the matter of: Main Floor, 150 PARKVIEW AVE
NORTH YORK ON M2N3Y7

Between: Sarah Takhsha Landlord

And

Wei-Liang Allen Cheng Tenant
Jing Fu

Review Order

Sarah Takhsha (the 'Landlord') applied for an order to terminate the tenancy and evict Wei-Liang Allen Cheng and Jing Fu (the 'Tenant') because the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-011605-26 issued on May 6, 2026.

On June 5, 2026, the Landlord requested a review of the order.

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

Determinations:

1. The Landlord's application was dismissed because the Landlord did not prove on a balance of probabilities that she in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.
2. The serious errors alleged by the Landlord can be summarized as follows:
 1. The Landlord submits that the Board applied the wrong legal test for determining whether the Landlord in good faith intends to occupy the rental unit. The Landlord submits that the Board improperly assessed whether the Landlord's proposed relocation was objectively likely or practical rather than determining whether the Landlord genuinely intends to occupy the rental unit for the purpose of residential occupation.
 2. The Landlord submits that the Board gave undue weight to the parties' previous dispute about the lawful monthly rent.

3. The Landlord submits that when the Board's analysis on good faith is unclear as to whether it relates to the landlord, the family member, or both, this may constitute an error in law.
 4. The Landlord submits that the Board failed to properly analyze the Landlord's independent intention to occupy the rental unit outside of whether her daughter relocates to Ontario.
 5. The Landlord submits that the Board failed to adequately consider evidence and testimony supporting the genuineness and practicality of the Landlord's plan.
3. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.
 4. The Board did not improperly interpret or misapply the legal test for determining good faith. At paragraph 22 the Board correctly notes that the motives of the landlord in seeking possession are not relevant and that the only issue is whether the landlord genuinely requires possession for their own use.
 5. However, the Board also notes that the Divisional Court clarified in *Fava v. Harrison*, 2014 ONSC 3352 that the Board can consider the conduct and motives of the landlord to draw inferences as to whether the landlord actually desires in good faith to occupy the property. The order reveals that the Board did exactly that. The Board considered that the Landlord's testimony about her medical condition was not supported by her medical note, that the Landlord's pattern of conduct shows her intention to spend most of her time in the United States, that the Board was not satisfied that the Landlord's daughter would actually uproot her medical practice and her family to come to Canada, and that the application may have been brought to evict a tenant paying below market rent.
 6. The Board did not improperly speculate about the Landlord's evidence but rather weighed all of it with the Tenant's evidence to determine if the Landlord proved their application on a balance of probabilities. It was reasonable and not an error for the Board to consider the prior disputes between the parties about the lawful monthly rent and that the Landlord may not actually want to move into the rental unit but rather might be seeking to evict a tenant paying below market rent.
 7. While I agree with the Landlord that the order mentions both the good faith of the Landlord and her daughter, the actions and motives of the Landlord's daughter were relevant to determining the Landlord's good faith. The Board determined that the Landlord did not genuinely intend to occupy the rental unit. That the Board also made additional determinations, does not detract from the Board's central finding.
 8. The order reflects that the Board considered the Landlord's evidence regarding why she wants to occupy the rental unit. For example, at paragraph 11 the Board notes that the Landlord no longer wants to occupy the basement of the rental unit because it's dark and cold.

9. The Landlord provides a list of the evidence they believe was not adequately considered. That evidence all relates to the Landlord's daughter's alleged plans to move her practice and family to Ontario. The Supreme Court in *Construction Labour Relations v. Driver Iron Inc.*, 2012 SCC 65, establishes at paragraph 3 that administrative tribunals do not have to consider and comment upon every issue raised by the parties in their reasons. The order need only provide sufficient reasons. I find that the order does. While the Board may not have explicitly mentioned all the evidence relevant to whether the Landlord's daughter plans to relocate, the order at paragraphs 7, 12-14 and 24 reflects that the Board considered that the Landlord's daughter has taken steps, although not yet firmed up plans to relocate.
10. The Board's assessment of the evidence is entitled to deference. 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.
11. The review request is largely 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.)

It is ordered that:

1. The request to review order LTB-L-011605-26 issued on May 6, 2026 is denied. The order is confirmed and remains unchanged.

June 9, 2026
Date Issued

Amanda Kovats
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.