



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

Citation: GERMISHUYS v CURRIE, 2026 ONLTB 45614

Date: 2026-06-08

File Number: LTB-L-018342-26-RV

In the matter of: COACH HOUSE, 154 ROXTON RD
OAKVILLE ON L6H6N2

Between: JOHAN GERMISHUYS Landlord
AMBER GERMISHUYS

And

SUSAN CURRIE Tenant

Review Order

JOHAN GERMISHUYS and AMBER GERMISHUYS (the 'Landlord') applied for an order to terminate the tenancy and evict SUSAN CURRIE (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-018342-26 issued on May 29, 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 the order contains serious errors.
2. The Tenant alleges that the order contains a serious error because it states that the Tenant led no evidence regarding section 82 issues at the hearing. They also allege that they were not given an opportunity to present their section 82 evidence.
3. The Tenant's notice of section 82 issues identified three items. Two of these related to the L1 application and were not section 82 issues (i.e. issue the Tenant could have raised in their own application). The first of these was the Tenant's assertion that the Landlord's representative was in a conflict of interest. This was argued at the hearing and addressed in the order. The second of these was the Tenant's assertion that the Landlord "manufactured" the arrears and "prevented" the Tenant from paying off the arrears. Again, the Tenant made these arguments at the hearing and they are addressed in the order.

4. The only issue identified in the Tenant's section 82 notice that was not addressed at the hearing is the Tenant's claim regarding snow removal. I am not persuaded that the order contains a serious error because the Tenant did not mention this item at the hearing. The Member made it very clear at the conclusion of the hearing that the hearing was about to end and asked the parties if there was anything else that needed to be addressed to which the parties said no. It is not an error for the Member to not address an issue that was not pursued by a party at the hearing.
5. The Tenant alleges that the order contains a serious error in relation to the determination that the Landlord's representative was not in a conflict of interest. I am not persuaded that there is a serious error in this regard. The Landlord's application is a simple rent arrears application. There is no indication that the Landlord's representative obtained or used any confidential information in these proceedings. As a result, even if there was a conflict of interest, it had no bearing on these proceedings and does not constitute a serious error.
6. The Tenant also alleges that the order contains a serious error in its consideration of section 83 relief. In this regard, Interpretation Guideline 8 - Review of an Order states:

Orders granting relief from eviction (RTA s. 83(1)) or awarding specific remedies involve an exercise of the original hearing Member's discretion and are entitled to deference. The LTB will not exercise its discretion to review these types of decisions where the result is within the range of reasonable, acceptable outcomes. TSL-62420-15-RV (Re), 2015 CanLII 67891(ON LTB).
7. I am not persuaded by the Tenant's submissions and given the circumstances of this case that the result is outside the range of reasonable, acceptable outcomes. The Tenant's assertion that they needed additional time to secure a loan to pay off the arrears because they did not know the amount that they were required to pay was nonsensical given the documentation they have received in these proceedings and given that they did not contest the amount of the arrears.
8. As a result, 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 or that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-018342-26 issued on May 29, 2026 is denied. The order is confirmed and remains unchanged.

June 8, 2026
Date Issued

Richard Ferriss
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.