



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

Citation: PATEL v McCARTHY, 2026 ONLTB 45901

Date: 2026-06-09

File Number: LTB-L-021428-26-SA-RV

In the matter of: 145 HENSHAW DR
ERIN ON N0B1T0

Between: JAY PATEL Landlord
MEGNA PATEL

And

SAMANTHA McCARTHY Tenant
CHAD MAGUIRE

Review Order

JAY PATEL and MEGNA PATEL (the 'Landlords') applied for an order to terminate the tenancy and evict SAMANTHA McCARTHY and CHAD MAGUIRE (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on February 6, 2026 with respect to application LTB-L-109150-25-SA.

The Landlord's application was resolved by order LTB-L-021428-26, issued on March 13, 2026. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-021428-26. This motion was resolved by order LTB-L-021428-26-SA, issued on May 7, 2026.

On June 9, 2026, the Tenant requested a review of order LTB-L-021428-26-SA and filed a request to extend time to file the request to review.

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

Determinations:

Request to Extend

1. The request to extend time to file the review is granted, but the review is denied.

Review Request

2. The review request submits that order LTB-L-021428-26-SA, and the underlying order LTB-L-021428-26, contain serious errors as they rely on debts that were included in a filing for bankruptcy initiated by the Tenant.
3. This issue was raised in the hearing of the set aside motion. Order LTB-L-021428-26-SA finds both that the Tenant has filed with the Board no proof of any bankruptcy filing, and that in any event that order LTB-L-021428-26 was issued on the basis of the Tenant failing to pay rent for March, 2026 in full and on time, a condition imposed by LTB-L-019150-25-SA that would not be subject to a bankruptcy filing in any event.
4. I note that with their requests, the Tenant has still not provided any proof to the Board that they actually at any time made a filing for bankruptcy. Given this, I cannot find that it would be a serious error for the order not to account for this alleged bankruptcy filing. Parties are required to provide readily available proof for facts that they assert, particularly in relation to issues as distinct and important to a proceeding as a filing for bankruptcy. Both proof that it was filed and information as to when it was filed contained in those filings would be required for a Member to be able to adequately consider the consequences of any such bankruptcy.
5. It is not a serious error for a Member not to consider evidence that is not before them.
6. 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-L-021428-26-SA issued on May 7, 2026 is denied. The order is confirmed and remains unchanged.

June 9, 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.