



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

Citation: 4 Guys Inc. v Runciman, 2026 ONLTB 46068

Date: 2026-06-10

File Number: LTB-L-054194-25-RV3

In the matter of: 303, 45 FRONT ST N
CAMPBELLFORD ON K0L1L0

Between: 4 Guys Inc. Landlord

And

Tyler Runciman Tenant

Review Order

4 Guys Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Tyler Runciman (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-054194-25 issued on January 27, 2026.

On March 9, 2026, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved. The review request was denied by order LTB-L-054194-25-RV issued June 1, 2026.

On June 7, 2026, the Tenant requested a second review of order LTB-L-054194-25 issued on January 27, 2026. The second review request was denied by order LTB-L-054194-25-RV2 issued June 8, 2026.

On June 9, 2026, the Tenant requested a third review of the order LTB-L-054194-25 issued on January 27, 2026.

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.

Determinations:

1. This is the third review request by the Tenant for the same proceeding.
2. By way of background, the original order in this matter was issued on January 27, 2026. The Tenant requested a review of that order alleging that the order contained a serious error. However, upon review of the request, the real basis for the review request was that the Tenant was not reasonably able to participate in the October 29, 2025 proceeding.
3. The Tenant's review request was denied by way of hearing by order LTB-L-039842-25-RV issued June 1, 2026.
4. The Tenant subsequently sought a second review of order LTB-L-054194-25 issued on January 27, 2026, alleging a serious error and the existence of new evidence that may have changed the outcome of the proceeding. The Tenant's second review request was denied by order LTB-L-054194-25-RV2 issued June 8, 2026. The second review request was denied pursuant to Rule 26.18 of the Board's Rules of Procedure which prohibits the Board from considering a further request to review the same order or to review the review order from the same requesting party. The Member declined to waive Rule A4.2, finding that the circumstances were not sufficiently extraordinary to warrant such relief.
5. On June 9, 2026, the Tenant filed a third request for review on the basis that order LTB-L-054194-25-RV2 failed to consider the allegation of new evidence. I agree with the Tenant. Order LTB-L-054194-25-RV2 did not address the Tenant's allegation of new evidence.
6. While rule 26.18 of the Board's Rules of Procedure provides that the LTB will not consider a further request to review the same order or to review the review order from the same requesting party, Rule A4.2 permits the Board to waive the application of any rule. The Board will only do so in extraordinary circumstances.
7. I find that the circumstances in this case are sufficiently extraordinary to warrant waiving Rule 26.18. The Tenant's second review request raised the issue of new evidence, which was not considered in order LTB-L-054194-25-RV2. Accordingly, the Board will consider the Tenant's third request for review.
8. With respect to requesting a review on the basis of new evidence, Interpretation Guideline 8 - Review of an Order states:

Parties are expected to make every effort to produce all relevant evidence in support of their positions in the original hearing. The review will be dismissed unless the LTB is satisfied the new evidence could not have been produced at the original hearing, is material to the issues in dispute and its consideration could change the result. *First Homes Society v Henry*, [2002] O.J. No. 1754, (Div Ct.); NOL-16865-14- RV(Re), 2014 CanLII 78539 (ON LTB).

9. The review request submits that the evidence could not reasonably have been obtained and presented at the original hearing because the Tenant did not attend the hearing and therefore had no knowledge of the specific allegations being advanced by the Landlord's witnesses.
10. I find that the Tenant seeks to rely on evidence that could have been produced at the original hearing had the Tenant attended and exercised reasonable diligence. It is incumbent on a party proposing to rely on "new evidence" to demonstrate that the evidence was unavailable despite the exercise of diligence. There is nothing in the request demonstrating that the evidence was unavailable at the time of the original hearing. Rather, the Tenant's inability to present this evidence arises from his failure to attend the hearing. Paragraph 7 of order LTB-L-054194-25-RV established that the Tenant failed to exercise due diligence in participating in the proceeding.
11. The remainder of the allegations in the request amount to an attempt to reargue the Tenant's position. Absent a serious error, the review process is not an opportunity for a party to reargue their case in the hopes of obtaining a more favourable outcome.
12. Although the Tenant disagrees with the January 27, 2026 order, the Board's review process is not an opportunity to reargue matters that have already been determined in the hopes of a different outcome.
13. Accordingly, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings. The review request must be denied.

It is ordered that:

1. The request to review order LTB-L-054194-25 issued on January 27, 2026 is denied. The order is confirmed and remains unchanged.

June 10, 2026
Date Issued

Mayra Sawicki
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.