



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

Citation: WHITING OSHAWA REALTY LTD. v SHEPHARD, 2026 ONLTB 46300

Date: 2026-06-10

File Number: LTB-L-005563-26-RV

In the matter of: 203, 33 WHITING AVE
OSHAWA ON L1H3T4

Between: WHITING OSHAWA REALTY LTD.

Landlord

And

JENNIFER SHEPHARD

Tenant

Review Order

WHITING OSHAWA REALTY LTD. (the 'Landlord') applied for an order to terminate the tenancy and evict JENNIFER SHEPHARD (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on April 28, 2025 with respect to application LTB-L-006479-25.

The Landlord's application was resolved by order LTB-L-005563-26, issued on January 26, 2026 ('exparte eviction order'). This order was issued without a hearing being held.

The Tenant filed a motion to set aside the exparte eviction order. The Tenant's motion was resolved by order LTB-L-005563-26-SA issued on March 31, 2026 ('the motion order').

On June 9, 2026, the Tenant requested a review of the motion order.

Determinations:

Request to Extend Time to File a Review

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

Request to Review Order

2. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.
3. The motion order indicates that the parties agreed that the Tenant would pay \$3,532.00 towards the arrears on or before February 12, 2026. The parties also agreed that the motion be granted if the payment was made and denied if it was not. The order states

that no proof was submitted that the payment was made and as such the motion was denied.

4. The Tenant states in the review request that she uploaded proof on February 13, 2026 that she made the payments but put it in the wrong file. The Tenant says she put the evidence in file LTB-L-006479-25. That file is the original arrears application that led to the conditional order that the Tenant then breached which led to the exparte eviction order. The Tenant states that she learned about the error after receiving notice to vacate from the Sheriff and that she uploaded the proof to the correct file on June 8, 2026. The Tenant states that she is not good with technology and was very confused.
5. The only attachments to the review request are the notice to vacate from the Sheriff and a copy of the motion order. The Tenant has not attached to the review request any proof of payments or correspondence she sent to the Board.
6. While it's a requesting party's responsibility to provide sufficient information with their review request, I have reviewed the Board's records and determined the following:
 - There is nothing uploaded by the Tenant on February 13, 2026 in either file.
 - In the wrong file there is an email (DOC-7557636) sent by the Tenant to the Board on March 3, 2026. In that email the Tenant states: "Rent paid at 33 whiting ave apt 203 oshawa on L1H3T4". The Tenant does not state the amount that was paid, when it was paid, or provide any proof of payment.
 - The Board responds to the Tenant's email on March 9, 2026 indicating that the Board needs a file number to associate the email with.
 - The Tenant responds to the Board on March 9, 2026 and says the following:

"I was told by the justice at my hearing on the 12th of February to send verification my rent was paid on the 1st of March and there would be a stay placed on the order. My landlord also submitted proof. I dont know what else to do there is no hearing its passed.

My file #LTB-L-006479-25. 33 WHITING AVE APT 203 L1H3T4 OSHAWA ONTARIO"
 - On June 8, 2026, The Tenant uploaded banking records to the correct file. These are banking records for February 2026 (DOC-8120159). The Tenant has not highlighted any of the payments or provided an explanatory note to help determine what is shown by the records. My observations about the banking record are the following:
 1. The only payment that looks like it might have been sent to the Landlord on or before February 12, 2026 is an e-transfer sent on February 12, 2026 in

the amount of \$2,990.00. I say this might have been sent to the Landlord because the record does not show the recipient. Regardless the payment is not the full \$3,532.00 which the Tenant was required to pay in accordance with the motion order.

2. There is another e-transfer sent the day prior of \$10.00 on February 11, 2026 that also might have been to the Landlord. Although probably not because this was before the February 12, 2026 hearing and if sent to the Landlord would have already been factored into the order.
3. There is also e-transfers sent on February 13, 2026 in the amount of \$533.00 and \$10.00 on February 17, 2026. Again, no recipient is listed.
4. As such at best the Tenant's records might demonstrate that she paid the full \$3,532.00 by either February 13, 2026, or February 17, 2026. Either way that's passed the deadline of February 12, 2026, from the order.
7. Even on review the Tenant has provided insufficient information to show that she complied with the motion order to pay a payment of \$3,532.00 to the Landlord on or before February 12, 2026. Even if the Tenant did make the payment, the Tenant has not made clear what serious error the Board made in denying the motion. Examples of serious errors are jurisdictional errors, errors in law, unreasonable findings of fact etc. The Tenant has described what happened without clearly identifying or establishing that the Board made an error. There was no evidence in the correct file that the Tenant made the payment. It was not a serious error for the Board to make a determination on the evidence before it. The earliest record of the Tenant sending any information to the Board is the email sent on March 3, 2026 which is significantly passed the February 12, 2026 payment deadline. Even if the Board had looked in the wrong file the information there contained no payment records or information about what exactly was paid or when. For those reasons I'm not satisfied that the Tenant has demonstrated that the order contains a serious error.

It is ordered that:

1. The request to review order LTB-L-005563-26-SA issued on March 31, 2026 is denied. The order is confirmed and remains unchanged.

June 10, 2026
Date Issued

Amanda Kovats
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.