



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

Citation: Beneroi Investment 7 Inc. v Matos, 2026 ONLTB 41339

Date: 2026-06-12

File Number: LTB-L-022285-26-RV

In the matter of: 205, 2B ARLINGTON AVE
ST CATHARINES ON L2P3A5

Between: Beneroi Investment 7 Inc. Landlord

And

Robert Matos Tenant

Review Order

Beneroi Investment 7 Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Matos (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-022285-26 issued on May 27, 2026.

On June 11, 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 alleges that the order contains serious errors in relation to its section 83 analysis.
2. Firstly, the Landlord alleges that the Member erroneously considered the following factors in its section 83 analysis when there was no evidence before the Board that these factors existed:
 - that there was an ongoing history of nonpayment of rent
 - that there have been previous applications to the Board for nonpayment of rent
 - that previous voidable orders were issued that the Tenant voided
3. Since all of these factors would have weighed in the Landlord's favour, I am not persuaded that their inclusion constitutes a serious error. Put another way, the Member granted relief from eviction thinking the Landlord's case was stronger than it was. Removing these factors would only have strengthened the argument for relief from eviction. As a result, this error did not affect the result.

4. The Landlord also alleges that it was an error for the Member to consider whether the Landlord presented evidence of hardship if relief from eviction were granted. I am not persuaded that this was an error because the Board is obligated to consider all the circumstances when considering relief from eviction under section 83. I am not persuaded that the member applied an incorrect or unduly high test as alleged by the Landlord. Rather, I find that the Member was fulfilling their obligations pursuant to section 83 of the Act.
5. 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).
6. I am satisfied that the relief from eviction granted was within the range of reasonable, acceptable outcomes.
7. 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 Landlord was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-022285-26 issued on May 27, 2026 is denied. The order is confirmed and remains unchanged.

June 12, 2026
Date Issued

Richard Ferriss
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.