



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

Citation: SIMONE v JOHNSTON, 2026 ONLTB 47811

Date: 2026-06-17

File Number: LTB-L-022243-26-RV

In the matter of: 218, 4 SPICE WAY
BARRIE ON L9J0M2

Between: ANTHONY SIMONE Landlord
MATTHEW BENEDETTO

And

ASHLEY JOHNSTON Tenant

Review Order

ANTHONY SIMONE and MATTHEW BENEDETTO (the 'Landlord') applied for an order to terminate the tenancy and evict ASHLEY JOHNSTON (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-022243-26 issued on May 5, 2026.

On June 16, 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 request to extend time to file a review is granted, however the review itself is denied.
2. The order the Tenant seeks to review is a consent order. The Tenant states that during the mediation she felt pressure to resolve the matter, did not fully understand the legal consequences of agreeing to a non-voidable termination of my tenancy, that her consent was not fully informed, and that the mediation was not procedurally fair.
3. 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.
4. The Board creates a recording once the parties have reached consent. I have listened to the hearing recording. The order accurately reflects the terms agreed upon by the parties. There is nothing in the recording that supports that the Tenant did not freely enter the consent order. The terms of the consent were clearly read, it was explained to

the parties that resolving the matter with a consent agreement would result in the parties' forfeiting their ability to have a hearing, the Tenant indicated that she had received some legal advice, that she understood the terms of the consent, and that she had no questions.

5. The Tenant's submissions are vague. She says she felt pressure to resolve the matter but does not explain why she felt that pressure or who she felt pressured her. I'm not satisfied by the Tenant's bald assertion that she did not freely enter into the consent agreement.
6. The Tenant states in the review request that she did not understand the legal consequences of agreeing to a non-voidable termination of the tenancy. The difference between a voidable and non-voidable order is that with a voidable order the Tenant can pay off the arrears balance to save the tenancy, but with a non-voidable order they cannot. Nowhere in the review request does the Tenant mention that they paid off the arrears or are planning on hitting a zero balance before the termination date. Instead, the Tenant says that they are only "seeking reasonable extension of the move-out date...". This supports that the Tenant has changed their mind about what they agreed to, not that misunderstanding the difference between a voidable and non-voidable order is actually the basis of the request.
7. The fact that the Tenant now disagrees with the terms does not mean that the Board made a serious error. The Tenant mentions in the review request that she has now filed tenant applications and wishes to present evidence. If the Tenant wished to challenge the Landlord's claim the time to do that was at the hearing. A review is not an opportunity to change the way a case was presented.
8. The Divisional Court in *Gent v. IMH Pool III LP*, 2017 ONSC 7230 confirms that "agreements, and joint submissions, are serious and that they should not be easy to simply overturn. To allow parties, after the fact, to raise claims they could have or allow second thoughts after an agreement is struck would cause unnecessary waste on our Tribunals and Courts. No one, even with an order, would feel safe to rely on what has been agreed to. This would not be a just result."

It is ordered that:

1. The request to review order LTB-L-022243-26 issued on May 5, 2026 is denied. The order is confirmed and remains unchanged.

June 17, 2026
Date Issued

Amanda Kovats
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.