



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

Citation: Berzhanskaya v Yefymovych, 2026 ONLTB 48035

Date: 2026-06-17

File Number: LTB-L-024609-26 and LTB-L-024952-26-RV

In the matter of: 117 Westbury WESTBURY CRES
Toronto ON M6M1M3

Between: Marina Berzhanskaya Landlord
Yevgeniy Berzhanskiy

And

Viktor Yefymovych Tenant

Review Order

Marina Berzhanskaya and Yevgeniy Berzhanskiy (the 'Landlord') applied for an order to terminate the tenancy and evict Viktor Yefymovych (the 'Tenant') because:

- the Tenant did not pay the rent that the Tenant owes (L1 Application)
- the Tenant has been persistently late in paying the Tenant's rent (L2 Application)

This application was resolved by order LTB-L-024609-26 and LTB-L-024952-26 issued on June 2, 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.

Determinations:

1. The order terminates the tenancy. The Tenant states that the order contains unreasonable findings of fact regarding the determinations that the N8 notice of termination was properly served, that the Landlord made several attempts to work with the Tenant regarding late payment and outstanding arrears, and that the Tenant did not elaborate on their employment stability.
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 Tenant argues that the Landlord should have been required to prove that the mailbox the notice of termination was left in belonged exclusively to the Tenant. Rule 3.1(c) of the Board's Rules of Procedure establishes that a document may be served by

leaving it in a place where mail is ordinary delivered. The Hearing Member did not make any serious errors in determining that the notices of termination were served.

4. The Tenant provides information in the review request that he submits should support different factual findings. The Tenant has not provided a transcript nor reference to timestamps from the hearing recording to determine if the submissions and evidence provided in the review request were provided at the hearing or if the Tenant is adding new information on review. The submissions in the request do not clearly identify whether the information being provided was led at the hearing and some of the submissions support that the Tenant is adding new information. For example, the Tenant states that the property contains multiple rental units and that “this material fact was not adequately addressed during the hearing”. The Tenant has also attached photographs to the review request, but no documents were filed by the Tenant prior to the hearing in the Tribunal’s Ontario Portal (‘TOP’).
5. The order is based on the information led at the hearing. It was not a serious error to do so. The order provides sufficient reasons to explain what the decision was based on and how the decision was reached. Although the Tenant disagrees with the Hearing Member’s findings, the Hearing Member was in the best position to consider the evidence and make findings of fact.
6. The review request is largely an attempt to reargue an application that has been finally determined. That is not the purpose of a review request. The Divisional Court in *Browne v. Henley Crescent*, 2026 ONSC 455 concluded that the Board made an error in law in conducting a review in the absence of a serious error. As in that case, the decision under review has the hallmarks of a reasonable decision. Disagreeing with a result is not sufficient to make a decision irrational. As the Supreme Court of Canada has pointed out, reasonable people can disagree; the fact that they do is not sufficient to make a decision unreasonable: see *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, at para. 83.)
7. The new evidence provided on review does not meet the criteria for admittance on review. The evidence was not unavailable at the time of the hearing. With the exercise of diligence, the evidence could have been submitted. A review is not an opportunity to reargue a case or change how a case was presented.

It is ordered that:

1. The request to review order LTB-L-024609-26 and LTB-L-024952-26 issued on June 2, 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.