



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

Citation: Ferreri v Dokic, 2026 ONLTB 49115

Date: 2026-06-22

File Number: LTB-L-031678-22-RV

In the matter of: 1410, 9 Valhalla Inn Road
Toronto Ontario M9B0B2

Between: Barbara Ferreri Landlord

And

Miriam Dokic Former
Dusan Milovic Tenant

Review Order

The Landlord applied for an order requiring the Former Tenants to pay the Landlord's reasonable out-of-pocket costs that the Landlord incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenants, another occupant of the rental unit or someone the Former Tenants permitted in the residential complex.

This application was resolved by order LTB-L-031678-22 issued on May 28, 2026.

On June 17, 2026, the Landlord 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.

Determinations:

1. The Landlord alleges that the order contains numerous serious errors.
2. The difficulty with the Landlord's request to review is that none of the alleged errors would have affected the result. I have reviewed the Landlord's materials and the photographs of the alleged damage to the rental unit either do not identify any damage (e.g. bathroom sink drawer) or do not show damage beyond normal wear and tear that could be characterized as wilful or negligent.
3. As a result, although I would agree that the Member erred by referencing an item not being mentioned during the final inspection as a reason to find that alleged damage to an item did not occur, this would not have affected the result because the Landlord's

evidence does not show damage beyond normal wear and tear that could be characterized as wilful or negligent damage. For this reason, the alleged errors do not constitute *serious* errors.

4. In addition, Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented.

The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance. There is nothing in the record or in the request for review to support a determination that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality.

[TSL-51694-14-IN-RV \(Re\)](#), 2015 CanLII 23959 (ON LTB) at para 10

5. The Landlord's request to review is largely an attempt to relitigate the application which is contrary to the Guideline.
4. 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 whether the Landlord was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-031678-22 issued on May 28, 2026 is denied. The order is confirmed and remains unchanged.

June 22, 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.