



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

**Citation:** Adams v Chen, 2026 ONLTB 49180

**Date:** 2026-06-22

**File Number:** LTB-T-036291-25-RV

**In the matter of:** 249 FINCH AVE W  
NORTH YORK ON M2R1M8

|                 |                |          |
|-----------------|----------------|----------|
| <b>Between:</b> | Harry Adams    | Tenant   |
| <b>And</b>      |                |          |
|                 | Xiangying Chen | Landlord |

### **Review Order**

Harry Adams (the 'Tenant') applied for an order determining that Xiangying Chen (the 'Landlord') gave a notice of termination in bad faith.

This application was resolved by order LTB-T-036291-25 issued on February 23, 2026.

On February 24, 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.

### **Determinations:**

1. The order under review dismisses the Tenant's application because the Members were not satisfied that the Tenant had established all of the requirements set out at s.57(1) of the *Residential Tenancies Act, 2006* (the 'Act') on a balance of probabilities.
2. The Tenant submits that the Members seriously erred by denying the Tenant procedural fairness. The Tenant submits that the hearing was only 30 minutes long and was interrupted when the Members turned their attention to a different matter, then when the hearing of this matter resumed, there was a discussion regarding the Landlord's evidence. The Tenant submits that the overall effect of these circumstances was to deny the Tenant procedural fairness. However, it is not sufficient to point out the length of the hearing, that it was interrupted, and/or that there was a discussion about evidence. The Tenant has not identified any prejudice that they suffered as a result of these circumstances, for example, any evidence or submissions that they did not have an opportunity to present. I am therefore not satisfied that the Tenant was denied procedural fairness.

3. The Tenant submits that evidence upon which the Members relied was insufficient to establish that the Landlord moved into the unit. The Tenant submits that, in particular, the utilities bills have the service address redacted. I note that the Enbridge, Toronto Utilities, and Toronto Hydro bills do not have the service address redacted. In any event, the problem with the Tenant's submission is that the Tenant had the burden to prove, on a balance of probabilities, that the Landlord had not moved into the unit in a reasonable time. The Tenant's evidence did not establish this, and so the Landlord did not need to lead a lot of evidence (or evidence that carries a great deal of weight) to rebut it. In other words, the Landlord did not have to establish that she moved into the unit; the Tenant had to establish that she did not do so.
4. The Tenant submits that the decision does not set out the reasoning for finding that the Landlord moved into the unit in a "reasonable time." As set out above, the Members did not need to be satisfied that the Landlord moved into the unit in a reasonable time; the Tenant had to establish that, if the Landlord did move into the unit, it was not in a reasonable time. There is no indication in the order or in the review request that the Tenant gave sufficient evidence that the Landlord's delay of four months to move into the unit was unreasonable.
5. The Tenant submits that the order improperly characterizes the Tenant's evidence as "exclusively based on suspicion." The Tenant has not identified any evidence or submissions that were given at the hearing but disregarded. The factors and evidence listed under this submission amount to an attempt to re-argue the case. This is not the purpose of a review.
6. 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.

**It is ordered that:**

1. The request to review order LTB-T-036291-25 issued on February 23, 2026 is denied. The order is confirmed and remains unchanged.

**June 22, 2026**  
**Date Issued**

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**Renée Lang**  
Vice Chair, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.