



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

Citation: Le Mesurier v Schirripa, 2026 ONLTB 49586

Date: 2026-06-24

File Number: LTB-L-095227-24 & LTB-T-086714-24-RV

In the matter of: 5125 CONCESSION 4
GOODWOOD ON L0C1A0

Between: Angelica Le Mesurier Tenants
Jason Le Mesurier

And

Rose Schirripa Landlords
Susanna Massa
Lina Massa

Review Order

Susanna Massa, Rose Schirripa and Lina Massa (the 'Landlords') applied for an order to terminate the tenancy and evict Angelica Le Mesurier and Jason Le Mesurier (the 'Tenants') because the Tenants did not pay the rent the Tenants owe (L1-Application-LTB-L-095227-24).

Angelica Le Mesurier and Jason Le Mesurier (the 'Tenants') applied for an order determining that Susanna Massa, Rose Schirripa and Lina Massa (the 'Landlords') substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household and harassed, obstructed, coerced, threatened or interfered with the Tenant (T2 Application-LTB-T-086714-24).

Angelica Le Mesurier and Jason Le Mesurier (the 'Tenants') applied for an order determining that Susanna Massa, Rose Schirripa and Lina Massa (the 'Landlords') failed to meet their maintenance obligations under the Residential Tenancies Act, 2006 (the 'Act') or failed to comply with health, safety, housing or maintenance standards (T6 Application-LTB-T-086714-24).

These applications were resolved by order LTB-T-086714-24 issued on June 16, 2026.

On June 23, 2026, the Tenants requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. 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.

Issues That Were Heard at the Hearing

2. The bulk of the Tenants' review submissions concern the Board's decision to not hear some of the claims on the Tenants amended application. The Board determined that it would be procedurally unfair for the claims to proceed because the eight-month date range provided by the Tenants fell short of providing notice to the Landlords so that they can know the case to be met and meaningfully respond. The Tenant submits that the Board made the following errors in making this decision:
 - As some of the Tenants' claims were raised as issues under section 82 of the *Residential Tenancies Act, 2006* ('the Act') and not as independent tenant applications the formal requirements of amending an application should not have applied to those issues.
 - The Landlord had sufficient information about the Tenants' claims because they had the Tenants' document brief and video evidence.
 - The Board applied an overly restrictive standard by requiring the Tenant to provide information about the specific date that events happened and the Board should have found the date range sufficient for the Landlord to know the case to be met.
 - The Board Member "abused their discretion" by not hearing all of the Tenants' issues and should have considered less restrictive measures.
 - As the Tenants had already vacated, the prejudice to the Landlords was reduced, and therefore the Tenants issues should have been heard.
 - The Tenants are out of time to refile their issues and this should have been considered.
3. Paragraphs 1 to 14 of the order reveal a reasonable basis for the Board's determination that the Tenants failed to provide sufficient information for the Landlords to know the case to be met and that it would be procedurally unfair for the unclear claims to proceed. Those reasons include:
 - That the applications had already been adjourned to give the Tenants time to amend.
 - That an interim order with clear instructions was issued which required the Tenants to provide sufficient details including "a clear, succinct description of each issue" and "the date that the issue occurred".

- The amendment vaguely describes some of the events the Tenants seek to raise but does not fairly set out when incidents are said to have taken place or who was involved.
 - The amendment provides a broad 8-month window in which the events are alleged to have taken place.
 - The Landlords are not required to look through the vast amount of the Tenants' evidence to determine what the issues to be determined at the hearing will be.
 - Finally, that the Tenants have essentially put the Landlords to the burden of having to account for every day of the tenancy over an eight-month period in order to answer to the Tenants' unspecified claims.
4. Regardless of whether tenants raise issues under section 82 of the Act at a rent arrears hearing or file their own independent applications, and regardless of whether a tenancy is terminated or not, tenants must provide sufficient details for a landlord to know the case of be met. The Board's determination that the Tenants failed to do so is not unreasonable. The Board considered that the Tenants had filed evidence but determined that the Landlords are not required to look through the vast amount of the Tenants' evidence to determine what the issues to be determined at the hearing will be. Nothing in the order supports that he Board unreasonably exercised its discretion to limit the scope of the issues heard at the hearing.
5. The Tenants were previously given an adjournment to amend their application, and the interim order clearly set out the expectations for the amendment. That the Tenants failed to provide sufficient details for the claims to proceed before the limitation period to raise the issues expired does not establish that the Board made a serious error.

Landlords' Evidence on Some of the Excluded Tenant Issues

6. The Tenants state that the Landlords were allowed to speak about some of the Tenants excluded issues, but the Tenants were not. The Tenants submit that this was procedurally unfair. However, the Tenants also note that the Board "completely omitted this entire exchange and the Landlords' testimony on these points from the written final order". While the Landlords' may have spoken about irrelevant issues at the hearing, that the testimony in that regard does not appear in the order supports that it was not determinative of the outcome of the hearing. Only serious errors which might impact the outcome of the hearing merit review.

The Board's Determinations Regarding the Tenants' Claims About he Rental Complex Water and Air Quality

7. The Tenants dispute the Board's determination that they led insufficient evidence to establish that the Landlord breached their maintenance obligations regarding the water and air quality in the rental complex. The Tenants submissions in this regard are 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 recently 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.)

8. The Tenants submit that the Board applied an incorrect “restrictive legal standard of proof”. The order reveals that the Board applied the correct standard which is a balance of probabilities. The order reveals a reasonable basis for the why the Board determined that the Tenants did not prove their claims.
9. The Tenants state that the Board misapprehended the evidentiary record regarding the health impacts on the Tenants from the poor rental unit air quality. The Tenants submit that paragraphs 77 and 78 are inconsistent. Those paragraphs are not inconsistent. In paragraph 77 it states that there was no medical evidence provided linking any of the reported household illnesses to poor air quality. In paragraph 78 it provides an overview of Tenants’ self reported claims of an itchy throat and mild case of dry sinus. That paragraph also notes that an air quality testing inspector concluded that there was no indication of airborne contaminants.

It is ordered that:

1. The request to review order LTB-L-095227-24 & LTB-T-086714-24 issued on June 16, 2026 is denied. The order is confirmed and remains unchanged.

June 24, 2026
Date Issued

Amanda Kovats
Member, 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.