



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

Citation: Mark v Giroux, 2026 ONLTB 49670

Date: 2026-06-23

File Number: LTB-L-000891-26-RV

In the matter of: 623 MCPEAK LINE
COBDEN ON K0J1K0

Between:	Enright Mark	Landlord
	And	
	Jessica Giroux	Tenant

Review Order

Enright Mark (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Giroux (the 'Tenant') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-000891-26 issued on June 15, 2026.

On June 22, 2026, the Landlord's Legal Representative requested a review of the order.

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

Determinations:

1. The review request alleges that the order contains a serious error of law, insufficient reasons, and procedural unfairness.
2. For the reasons that follows, the review request is denied.
3. The Landlord argues that the Member incorrectly interpreted subsection 48(5) of the *Residential Tenancies Act, 2006*, the ("Act"), ought to have found the N12 notice valid, and should have granted the application. However, these issues were considered by the Member at the hearing. The Member reviewed the ownership structure of the rental unit, considered the documentary and viva voce evidence, and made findings regarding the application of subsection 48(5) of the Act and the fairness of granting the eviction in the circumstances. Although the Member did not find the N12 invalid, the Member did not accept the Landlord's position that the one percent ownership interest existed solely for

tax purposes and instead determined that the ownership structure appeared designed to circumvent subsection 48(5) of the Act.

4. Although the Landlord disagrees with those findings, the request for review largely seeks to have the evidence reconsidered and reweighed in order to obtain a different result. A request for review is not an opportunity to reargue the case or relitigate issues that have already been determined. There is nothing in the record to support a determination that the hearing Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. As stated in Guideline 8 of the Board's Interpretation Guidelines, the Member's findings of fact are entitled to considerable deference. Reasonable determinations will not be interfered with on review.
5. The hearing Member's exercise of discretion was rationally connected to the parties' evidence and submissions, and the exercise was therefore not capricious. Although another Board Member may have exercised their discretion differently, as stated above, the presiding hearing Member's decision is entitled to deference.
6. Likewise, with respect to the Landlord's allegation that the Member failed to consider review order TSL-01347-18-RV. Member's are not bound by prior LTB decisions. In any event, a Member is not required to make an explicit finding or explicitly address each piece of evidence submitted by the parties in her decision (see *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708).
7. The Landlord further argues that the order contains insufficient reasons. I do not agree. Paragraphs 11 to 13 of the order set out the evidence relied upon by the Member, identify the relevant statutory provisions, and explain why the application was dismissed. Again, although the Landlord disagrees with those findings, disagreement with the reasons provided does not establish a serious error.
8. The Landlord also alleges procedural unfairness on the basis that the Tenant's spouse testified after having remained present during portions of the hearing. Even if I were to accept that there was an irregularity in the hearing process, the Landlord has not established that any alleged procedural irregularity resulted in substantial prejudice or that it affected the outcome of the proceeding. The order does not rely upon the spouse's testimony in dismissing the application. Rather, the dismissal was based on the Member's findings concerning the ownership structure of the rental unit and the application of subsections 48(5) and 83 of the Act.
9. For these reasons, I am not satisfied that the Landlord has identified a serious error of fact or law, a breach of procedural fairness, or any other basis warranting a review of the order. The request for review is therefore denied.

It is ordered that:

1. The request to review order LTB-L-000891-26 issued on June 15, 2026 is denied. The order is confirmed and remains unchanged.

June 23, 2026
Date Issued

Mayra Sawicki
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.