



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

Citation: Edery v Teixeira, 2026 ONLTB 50102

Date: 2026-06-24

File Number: LTB-L-029825-26-RV

In the matter of: 1, 65 Ontario St
Bowmanville ON L1C2S6

Between: Benjamin Edery Landlord

and

Pula Teixeira Tenant

Review Order

Benjamin Edery (the 'Landlord') applied for an order to terminate the tenancy and evict Pula Teixeira (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-029825-26 issued on June 17, 2026.

On June 24, 2026, the Representative 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.
2. The Landlord submits that the presiding Member seriously erred by considering evidence from the Tenant going back four years when the Landlord was restricted to submitting evidence of rent arrears going back only one year. I am not aware of any restriction prohibiting a Landlord from providing evidence of a tenancy to one year prior to a hearing or an application being filed and the Landlord's Representative has not explained or provided any legal authority for such restriction in their request.
3. The Landlord could have provided evidence from the onset of the tenancy. The Landlord's failure to do so due to a mistaken belief that they would not be permitted to provide evidence dated more than a year ago is not a Board error and not grounds for review.

4. The Landlord states in the request that they can provide e-transfer records of a first month's rent payment.

5. Interpretation Guideline 8 - Review of an Order states:

Parties are expected to make every effort to produce all relevant evidence in support of their positions in the original hearing. The review will be dismissed unless the LTB is satisfied the new evidence could not have been produced at the original hearing, is material to the issues in dispute and its consideration could change the result. *First Homes Society v Henry*, [2002] O.J. No. 1754, (Div Ct.); NOL-16865-14- RV(Re), 2014 CanLII 78539 (ON LTB).

6. It is incumbent on a party proposing to rely on "new evidence" to demonstrate that the evidence was unavailable despite due diligence having been exercised. There is nothing in the request that demonstrates that the evidence was unavailable at the time of the original hearing.

7. The remainder of the review request seeks to challenge the Member's determination that the *Residential Tenancies Act, 2006* (the 'Act') does not apply.

8. The Board's review process is not an opportunity for a person to re-argue an application that has been finally determined. Although the Tenant disagrees with the hearing member's finding, the hearing member was in the best position to admit and consider the parties' relevant evidence and submissions, and to make findings of credibility.

9. The order sets out in sufficient detail the reasons why the adjudicator arrived at her conclusions. The order, for example, identifies the parties' evidence and legal arguments with respect to the existence of a tenancy agreement and whether the Tenant was required to pay rent for the right to occupy. The Member correctly considered the definition of tenant pursuant section 2(1) of the Act and that the Tenant was not required to pay rent.

10. Additionally, it is clear from the order that the Member did consider that there was a tenancy agreement signed by the Tenant, which the Tenant testified was for CRA purposes only. The Landlord did not attend the hearing to provide their own evidence with respect to the tenancy agreement. Pursuant to section 202 of the Act, it was within the Member's jurisdiction to consider the evidence before her and disregard the outward form of the transaction and have regard to the pattern of activities, in determining whether a tenancy existed and whether the Tenant meets the definition of a tenant under the Act.

11. Based on the submissions made in the request, I am not satisfied that there is a serious error in the order. The request to review the order must accordingly be denied.

It is ordered that:

1. The request to review order LTB-L-029825-26 issued on June 17, 2026 is denied. The order is confirmed and remains unchanged.

June 24, 2026
Date Issued

Candace Aboussafy
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.