



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

Citation: COLE v FONTANA-ARNALDI, 2026 ONLTB 51252

Date: 2026-06-29

File Number: LTB-L-021917-26-RV

In the matter of: UNIT 312, 18 CONCORDE PL
NORTH YORK ON M3C3T9

Between: MARK COLE Landlord
ELIZABETH VERLAAN-COLE

And

SONYA FONTANA-ARNALDI Tenant

Review Order

MARK COLE and ELIZABETH VERLAAN-COLE (the 'Landlord') applied for an order to terminate the tenancy and evict SONYA FONTANA-ARNALDI (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-021917-26, issued on June 18, 2026.

On June 28, 2026, the Tenant requested a review of the order.

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

Reasons:

1. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order, that a serious error occurred in the proceedings, or that the Tenant was not reasonably able to participate in the proceeding.
2. The application was heard on June 9, 2026. The Tenant attended the hearing and asked that the matter be adjourned. The Member denied the request, but held the matter down because the Tenant was waiting for someone to arrive to assist her with childcare. The Tenant then disconnected from the hearing. The Member waited until 11:30am, but the Tenant did not return. The Member then heard the matter in the Tenant's absence.
3. The Tenant requests a review. However, in her review request she does not provide any reasons for the request. The request consists entirely of the phrase "Please refer to attached documentation." The attached documentation consists of three letters, none of which contains any statement of what error the Tenant argues the Member made.

4. Rule 26.8(e) provides that a review request must contain sufficient information to support a preliminary finding of an alleged serious error or an explanation of why the requester was not reasonably able to participate in the hearing. The review request in this case contains no such information whatsoever. As such, the review must be denied.
5. In the alternative, even if I were to consider the review arguments the Tenant might have based on the letters she attached, the review cannot succeed.
6. The first letter, dated March 31, 2026, is from a doctor. It states that the Tenant underwent surgery on her right hand on March 26, 2026, and would be unable to use that hand for 6-12 weeks. It also stated that she would “not be able to perform any activities including attending/participating in any work or meetings, virtual or in person,” with no further explanation.
7. I will accept, based on the doctor’s letter, that the Tenant was unable to use her right hand on June 9, 2026. However, I cannot accept the doctor’s opinion that the Tenant was unable to attend or participate in a virtual meeting on that date. The letter provides no basis whatsoever, medical or otherwise, for that opinion. An inability to use one hand would not prevent a person from attending a videoconference. Indeed, the Tenant did attend the videoconference, but chose to disconnect after her adjournment request was denied.
8. The other two letters are also from medical professionals, and provide opinions regarding the impact that eviction will have on the Tenant’s children. I take them to be evidence of circumstances relevant to whether eviction should have been postponed or refused pursuant to section 83 of the *Residential Tenancies Act, 2006* (RTA).
9. The purpose of a review is not to present different or better evidence in the hope of achieving a different result. The Tenant could have attended the hearing and testified regarding her children’s circumstances. Having chosen not to attend the hearing, she cannot now adduce, on review, evidence that she did not adduce when the matter was heard. The Member did not err by deciding the case on the evidence before her.

It is ordered that:

1. The request to review order LTB-L-021917-26 issued on is denied. The order is confirmed and remains unchanged.

June 29, 2026
Date Issued

Dale Whitmore
Member, Landlord and Tenant Board

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

