



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

Citation: Rincon Hurtado v Maria Oliveros, 2026 ONLTB 51425

Date: 2026-06-30

File Number: LTB-T-081553-24-RV

In the matter of: 8, 147 Dundas Street East
Toronto Ontario M5B1E4

Between: Hernan Sibares Rincon Hurtado Tenant

And

Gabriella Maria Oliveros Landlord

Review Order

Hernan Sibares Rincon Hurtado (the 'Tenant') applied for an order determining that Gabriella Maria Oliveros (the 'Landlord') failed to meet the Landlord's maintenance obligations under the Residential Tenancies Act, 2006 (the 'Act') or failed to comply with health, safety, housing or maintenance standards. (T6 Application)

The Tenant also applied for an order determining that the Landlord (T2 Application):

- entered the rental unit illegally.
- altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenant replacement keys.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.
- did not give the Tenant 72 hours to remove their property from the rental unit or from some place close to the rental unit after the Sheriff evicted the Tenant.

This application was resolved by order LTB-T-081553-24 issued on June 2, 2026.

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

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

Determinations:

1. The Landlord alleges that the order contains a serious error and that the Landlord was not reasonably able to participate in the March 4, 2026 proceeding. However, on review of the request, it appears that the real ground for review is an allegation that the order

contains a serious error, as the Landlord attended the hearing and fully participated in the proceeding.

2. The Landlord alleges that the Board failed to consider the destruction of property allegedly caused by the Tenant. However, the application before the Board was a Tenant T2/T6 application and not an application filed by the Landlord. Accordingly, it is not a serious error for the Board not to consider allegations respecting damages allegedly caused by the Tenant as they were not properly before the Board.
3. The Landlord alleges that the remedies ordered respecting the replacement costs for the Tenant's property disposed of by the Landlord were unreasonable because the Tenant failed to submit documentary evidence of the alleged loss. However, paragraphs 80 to 83 of the order provide sufficient reasons respecting the remedies awarded. The Member explained with sufficient detail that, in accordance with *Beauage*, the Tenant's viva voce evidence was accepted, and a reasonable estimate of costs was awarded. Accordingly, there is no error in the order.
4. Lastly, the request further submits that "the fridge was provided by the property and had to dispose of it due to horrible conditions". However, the Landlord does not articulate whether the "fridge" relates to the mini fridge addressed in the order or whether this issue was raised at the hearing. In any event, the Landlord has not established that the order contains a serious error in this regard.
5. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented. The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance. There is nothing in the record or in the request for review to support a determination that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality. [TSL-51694-14-IN-RV \(Re\)](#), 2015 CanLII 23959 (ON LTB) at para 10.

6. The Landlord's disagreement with the Member's determinations is not sufficient grounds for review. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.
7. As a result, based on the submissions made in the request, I am not satisfied that the order contains a serious error or that a serious error occurred in the proceedings. Accordingly, the request for review must be denied.

It is ordered that:

1. The request to review order LTB-T-081553-24 issued on June 2, 2026 is denied. The order is confirmed and remains unchanged.

June 30, 2026
Date Issued

Mayra Sawicki
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.