

**CITATION:** Fiset v. 1789331 Ontario Limited, 2025 ONSC 5386  
**DIVISIONAL COURT FILE NO.:** DC-24-00000781-0000  
**DATE:** 20250922

**SUPERIOR COURT OF JUSTICE – ONTARIO DIVISIONAL COURT**

**RE:** ANDRÉ Fiset, Appellant

**AND:**

1789331 ONTARIO LIMITED O/A JARVIS COURT APARTMENTS (AKA GOWEN PROPERTY MANAGEMENT, INC.), Respondent

**BEFORE:** Justice S. Nakatsuru

**COUNSEL:** Self-Represented, Appellant

*Krista Chaytor*, for the Respondent

**HEARD:** In Toronto, September 22, 2025, by videoconference

**ENDORSEMENT**

[1] Mr. Fiset is a residential tenant of the respondent landlord. On November 1, 2022, the respondent served Mr. Fiset with an N1 Notice of Rent Increase, increasing the rent from \$1,200 to \$1,230 effective February 1, 2023. Mr. Fiset refused to pay. At the Landlord Tenant Board (LTB), the respondent obtained a voidable eviction order dated October 15, 2024. A request for a review was denied November 19, 2024. Mr. Fiset appeals to this Court.

[2] For the following reasons, I dismiss the appeal.

[3] On an appeal from the LTB, the Court's jurisdiction is limited to questions of law. Questions of mixed fact and law and questions of fact, are grounds of appeal that I have no ability to decide.

[4] Repeating an argument raised that was rejected by the LTB, Mr. Fiset submits that he did not get proper notice of the rent increase. Even when viewed generously, this is a question of mixed fact and law. It depends upon factual findings made by the LTB regarding service. Regardless of any merit to Mr. Fiset's submission, this is not subject to appellate review in this Court.

[5] Mr. Fiset further argues that the LTB made an erroneous order as he has paid the rents of July, August, September, October of 2024. In addition, he submits that the respondent's failure

to acknowledge the error amounts to misconduct. Respectfully, Mr. Fiset misinterprets the legal effect of the LTB order. If he paid those rents, as the respondent concedes, he will not be required to pay them again to void the eviction order.

[6] Finally, the fact that Mr. Fiset had an outstanding Superior Court action against the respondent, did not deprive the LTB of jurisdiction to deal with the rental increase that post-dated his claim in the Superior Court. Furthermore, any decision of the LTB not to adjourn the hearing or to allow Mr. Fiset to raise issues that he gave no notice of, is subject to deference. I will defer to those decisions made by the LTB.

[7] I have not considered the materials filed by Mr. Fiset that was not evidence before the LTB. It was objected to on this appeal. No motion to introduce fresh evidence was brought before me. On that basis alone, it should not be admitted. That said, I find the evidence would not have met the test for fresh evidence in any event: *Palmer v. The Queen*, 1979 SCC 8, [1980] 1 S.C.R. 759.

[8] The respondent seeks costs and has submitted a bill of costs. I find that a fair and reasonable amount for costs is \$4,000 all-inclusive and is awarded to the respondent.

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Justice S. Nakatsuru

**Released:** September 22, 2025