



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

Citation: Lapointe v Waram, 2024 ONLTB 4432

Date: 2024-01-08

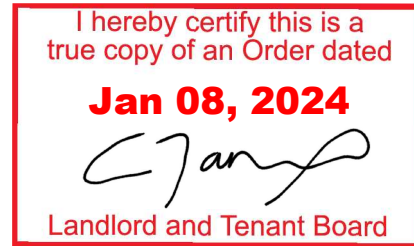
File Number: LTB-L-036206-22-RV

**In the matter of:** 2, 327 MOUNTAIN ST  
SUDBURY ON P3B2T8

**Between:** Patrick Lapointe

**And**

Adam Waram



Landlord

Tenant

### Review Order

Patrick Lapointe (the 'Landlord') applied for an order to terminate the tenancy and evict Adam Waram (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.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-036206-22 issued on December 6, 2023.

On January 5, 2024, the Tenant requested a review of the order and that the order be stayed until the Tenant's request to review the order is resolved.

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

### Determinations:

- The hearing of the application took place on October 31, 2023. The Landlord, the Landlord's legal representative, and the Tenant attended the hearing. The Landlord's application was granted.
- The Tenant filed this request to review alleging that the final order contains serious errors.
- At the hearing, the Tenant challenged the service of the N12 Notice of Termination (the 'N12 Notice'). The certificate of service that was filed with the application states that the N12 Notice was served on the Tenant by the Landlord's legal representative by leaving the document in the Tenant's mailbox or the place where mail is normally delivered on June 28, 2022. The Board found that the N12 Notice was properly served on the Tenant.



4. In support of this application, a declaration was filed by the Landlord. The Tenant submits that the declaration signed on June 27, 2022 states the N12 Notice was already served on the Tenant. However, service had not yet taken place as of the date of the declaration. This discrepancy challenges the credibility of the Landlord's legal representative and the Board seriously erred by not acknowledging it in the final order.
5. For the reasons set out below, the Tenant's request to review is denied.
6. I find that the hearing member did not seriously err in failing to address the Tenant's argument about the discrepancy between the declaration and certificate of service in the final order. Administrative tribunals do not have to consider and comment upon every issue raised by the parties in their reasons.<sup>1</sup> The order need only provide sufficient reasons. The hearing member considered all of the relevant evidence and provides sufficient reasons in the order for the determinations. The hearing member determined that the Landlord's legal representative had served the N12 Notice on the Tenant based on the submission of when the N12 Notice was served in relation to a previous notice, where it was served, and the Tenant's testimony regarding the mailboxes at the residential complex. There is a logical connection between the decision and the evidence before the hearing member. The reasons, viewed in light of the record and submissions on relevant issues reasonably support the findings.<sup>2</sup> I would not interfere with the assessment of the evidence by the hearing member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality. Therefore, I do not find there is a serious error in this regard.
7. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings and/or the Tenant was not reasonably able to participate in the proceeding.

**It is ordered that:**

1. The request to review order LTB-L-036206-22 issued on December 6, 2023 is denied. The order is confirmed and remains unchanged.

**January 8, 2024**  
**Date Issued**

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Camille Tancioco  
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.

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<sup>1</sup> See *Construction Labour Relations v. Driver Iron Inc.*, 2012 SCC 65, [2012] 3 S.C.R. 405, at para. 3.

<sup>2</sup> See: *R. v. R.E.M.*, 2008 SCC 51, [2008]. See also *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708