



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

Citation: C R Developers Inc.. v Whalen, 2024 ONLTB 6546

Date: 2024-01-16

File Number: LTB-L-080984-22-RV2

In the matter of: 1494 HWY 21
KINCARDINE ON N2Z2X5

Between: C R Developers Inc.

and

Jennifer Whalen
Jesse Whalen
Cole Whalen
Arianna Whalen

I hereby certify this is a true copy of an Order dated

Jan 16, 2024

Landlord and Tenant Board

Landlord

Tenants

Review Order

C R Developers Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Jennifer Whalen, Jesse Whalen, Cole Whalen and Arianna Whalen (the 'Tenant's') because the Tenants did not pay the rent the Tenants owe.

This application was resolved by order LTB-L-080984-22 issued on October 24, 2023. Only the Landlord attended the hearing.

On November 6, 2023, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved. Interim order LTB-L-080984-22-RV-IN was issued, staying the order issued on October 24, 2023.

The request for review was heard by videoconference on December 7, 2023 and resolved by order LTB-L-080984-22-RV issued on December 12, 2023, denying the request for review and lifting the stay of order LTB-L-080984-22 immediately. The Landlord and the Tenant, Jennifer Whalen, attended the hearing.

On January 16, 2024, the Tenant, Jennifer Whalen, requested a review of the order LTB-L-080984-22-RV and that the order be stayed until the request to review the order is resolved.

A preliminary review of the request to review 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 or that a serious error occurred in the proceedings or that the Tenant was not reasonably able to participate in the proceeding.

2. The Tenant takes issue with the Member's finding that there was no agreement between the parties resolving the application and that the Tenant provided no reasonable explanation regarding their reasons for not complying with interim order LTB-L-080984-22-IN issued on July 11, 2023.
3. The Member's findings are entitled to considerable deference. I will not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of hearing the evidence in its totality. The Member was in a better position to assess the credibility of the witnesses before him and the Member provided sufficient reasons for his findings.
4. Although the Tenant disagrees with the December 12, 2023 Board order, the Board's review process is not an opportunity for a party to re-argue a matter that has been finally determined in the hopes of a different outcome.
5. As I am not satisfied that the Tenant was not reasonably able to participate in the proceedings and in the absence of a demonstrable error in the December 12, 2023 order or that a serious error occurred in the proceedings, the request to review the order must be denied.

It is ordered that:

1. The request to review order LTB-L-080984-22-RV issued on December 12, 2023 is denied. The order is confirmed and remains unchanged.

January 16, 2024
Date Issued



Candace Aboussafy
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.