



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

Citation: Salih v Lacroix, 2023 ONLTB 31106

Date: 2023-04-06

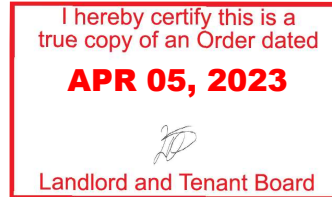
File Number: LTB-L-024936-22-RV

In the matter of: 252 Adeline Ave
Hamilton ON L8H5V3

Between: Abdul Salih

And

Jeanine Lacroix
Jonathan Lachance



Landlord

Tenants

Review Order

Abdul Salih (the 'Landlord') applied for an order to terminate the tenancy and evict Jeanine Lacroix and Jonathan Lachance (the 'Tenants') 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 Tenants remained in the unit after the termination date.

This application was resolved by order LTB-L-024936-22 issued on March 29, 2023.

On April 4, 2023 the Landlord requested a review of the order.

A preliminary review of the request was completed without a hearing

Determinations:

1. The Landlord submits there is a serious error in the order. The order issued dismissed the Landlord's application as the presiding Adjudicator was satisfied that in consideration of all of the circumstances, that it would not be unfair to grant relief from eviction.
2. I have listened to the March 20, 2023 hearing recording and have reviewed the Board's record. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the hearing order, or that a serious error occurred in the proceedings or in the presiding Adjudicator's exercise of discretion.
3. Section 83 of the Act requires the presiding Adjudicator to consider all of the circumstances in deciding whether or not it would be unfair to delay or deny eviction based on the Landlord's application. This is mandatory consideration.



4. The Landlord's request for review argues that the presiding Adjudicator erred in weighing the fairness between the parties and incorrectly interpreted section 83(1) of the Act. I disagree with this argument.
5. The hearing recording confirms that both parties provided oral testimony regarding their circumstances and the order identifies the factors the Adjudicator considered when he decided to grant relief from eviction. The order properly identifies the circumstances of both parties. Although another Board Adjudicator may have exercised their discretion differently, the sufficiency of the presiding Adjudicator's reasons, and the fact that the outcome falls within a reasonable range of possible results, entitles the Adjudicator's decision to deference.
6. Although the Landlord disagrees with the March 29, 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 absence of a demonstrable error in the 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-024936-22 issued on March 29, 2023 is denied. The order is confirmed and remains unchanged.

April 5, 2023
Date Issued



Fabio Quattrociochi
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.