



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

Citation: Patel v Patel, 2023 ONLTB 15084

Date: 2023-01-11

File Number: LTB-L-009606-22-RV

In the matter of: Main & Upper Floors, 6 RANGELEY DR
Toronto ON M1B5C1

Between: Bhupendra Patel Landlord
Jathusan Ratnakumaran
Jayshree Patel

And

Daksha Patel Tenant
Prakash Patel

Review Order

Bhupendra Patel, Jathusan Ratnakumaran and Jayshree Patel (the 'Landlord') applied for an order to terminate the tenancy and evict Daksha Patel and Prakash Patel (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.

This application was resolved by order LTB-L-009606-22, issued on October 19, 2022. The Tenants requested to review order LTB-L-009606-22, issued on October 19, 2022 and a review hearing was held on December 13, 2022. The review request was resolved by review order LTB-L-009606-22-RV, issued on December 14, 2022.

On January 9, 2023, the Tenants requested a review of the review order LTB-L-009606-22-RV, issued on December 14, 2022.

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

Determinations:

1. For the reasons below, the Tenants' review request is denied.
2. By way of background, the Landlord's N12 application was resolved by order LTB-L-009606-22, issued on October 19, 2022 (the "October 19, 2022 Order"). The Tenants filed a request to review the October 19, 2022 Order and a review hearing was held on December 13, 2022.
3. On December 14, 2022, the Board issued review order LTB-L-009606-22-RV (the "First Review Order"). It is the Tenants' submission that the First Review Order contains a serious



error due to the incorrect spelling of one of the Tenants' names and due to a "remedy that is not appropriate in the circumstances". While the Tenants' review request purports to be based upon an error in the First Review Order, it is clear the Tenants are attempting to review the same October 19, 2022 Order that was recently reviewed on December 13, 2022. In this regard, the Tenants submit the original hearing member improperly exercised her discretion under section 83 of the Residential Tenancies Act, 2006 (the "Act") and incorrectly granted the Landlord's application.

4. The Tenants request to review the Review Order must be denied. This is a further request to review from the same requesting party which is prohibited by Rule 26.18 of the Board's Rules, which provides that "*the LTB will not consider a further request to review the same order or to review the review order from the same requesting party*".
5. While Rule A4.2 gives the Board discretion to waive any rule or procedure, I am not satisfied that that it would be appropriate to do so in this case. The Tenants' second review request contains much of the same allegations of serious error that were pleaded in the first review request and which have already been addressed.

It is ordered that:

1. The request to review order LTB-L-009606-22-RV issued on December 14, 2022 is denied. The order is confirmed and remains unchanged.

January 11, 2023
Date Issued

Peter Nicholson
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.