



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

File Number: EAL-92025-20-RV2

In the matter of: 2041 STONEHENGE CRESCENT
OTTAWA ON K1B4N7

Between: Ravinder Dheensa Landlord

and

Everton Stewart Tenant

Review Order

Ravinder Dheensa (the 'Landlord') applied for an order to terminate the tenancy and evict Everton Stewart (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order EAL-92025-20 issued on May 4, 2021. On May 10, 2021, the Tenant requested a review of the order on the ground that they were not reasonably able to participate. This request was resolved by order EAL-92025-20-RV issued on July 13, 2021.

On August 10, 2021, the Tenant requested a review of the order on the ground that the order contains a serious error.

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

Determinations:

1. The order the Tenant seeks to review is the review order stemming from the Tenant's request. The Board's Rule 26.18 states as follows:

"The LTB will not consider a further request to review the same order or to review the review order from the same requesting party."
2. Accordingly, the Tenant's request to review the review order is denied pursuant to the Board's Rule 26.18.
3. Even had the Tenant's request been considered, it would have been denied as I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

4. On a request to review, the burden of proof is on the requesting party to show that there may either be a serious error in the order or in the process leading up to it. On a balance of probabilities, I do not find that the Tenant has satisfied that burden in explaining how the Hearing Member erred with the way she considered evidence and the conclusions she reached. Rather it seems that the Tenant is attempting to re-argue their own position. However, a review is not an opportunity to re-argue the issues in the hopes of having a different outcome. The Hearing Member is in the best position to assess credibility and facts.
5. Furthermore, from my review of order EAL-92025-20-RV it appears that the Hearing Member took many factors into account when reaching her decision. The Tenant's arguments were or could have been raised at the hearing. The Hearing Member is in the best position to determine facts and assess credibility of the parties. The Hearing Member expressly turned her mind to the issues. The Hearing Member has broad discretion in issuing her order. This discretion shall not be interfered with lightly as the Hearing Member was in the best position to assess the credibility of the parties and give the appropriate weight to the evidence before her.

It is ordered that:

1. The request to review order EAL-92025-20-20 issued on July 13, 2021 is denied. The order is confirmed and remains unchanged.

September 8, 2021

Date Issued



Dawn Sullivan

Member, Landlord and Tenant Board

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P6A9

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.