



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

**File Number:** HOL-09715-21-BIR

**In the matter of:** 610, 1600 CHARLES STREET  
WHITBY ON L1N0G4

**Between:** Sheela Patel Landlord

**and**

Nigel Joesph Tenant

**Review Order**

Sheela Patel (the 'Landlord') applied for an order to terminate the tenancy and evict Nigel Joesph (the 'Tenant') because the Landlord requires possession of the rental unit for the purpose of residential occupation. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order HOL-09715-21 issued on July 23, 2021. The application was also resolved by another order issued on August 27, 2021.

On August 25, 2021 the Board initiated a review as two orders were issued for the same hearing date.

The request was heard via video conference on October 15, 2021.

Only the Landlord attended the hearing.

At 2:10 p.m. the Tenant was not present or represented at the hearing.

**Determinations:**

1. The issue to be determined by the Board on this request for review is whether or not the Board erred by issuing the order dated July 23, 2021.
2. The Board's file indicates that the application was heard on July 19, 2021 by video conference by two different Members.
3. The parties attended the hearing before Member Morris and the Member found that the Landlord had not paid the required compensation pursuant to section 55.1 of the

*Residential Tenancies Act, 2006*, and the application was dismissed. The order was dated August 27, 2021.

4. The application was also heard by Member Edu and neither party attended the hearing. As such, the Member dismissed the application as abandoned. The order was dated July 23, 2021.
5. As I stated at the hearing, the order dated July 23, 2021 was in error as the parties did attend at the Board and the application was adjudicated.
6. Based on the above, the Board initiated review shall be granted, and the order HOL-09715-21 issued on July 23, 2021 shall be cancelled.

**It is ordered that:**

1. Order HOL-09715-21 issued on July 23, 2021 is cancelled.

**October 22, 2021**  
**Date Issued**



**Debbie Mosaheb**  
Member, Landlord and Tenant Board

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