



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

File Number: NOL-41904-21-RV

In the matter of: 503, 250 STE ANNE ROAD
SUDBURY ON P3C5M8

Between: Regent North Properties Inc.

Landlord

and

Deep Kansara
Dishani Patel
Jaimin Panchal
Sunil Patel

Tenants

Review Order

Regent North Properties Inc. (the 'Landlord') applied for an order requiring Jaimin Panchal, Dishani Patel, Sunil Patel and Deep Kansara (the 'Tenants') to pay the rent that they owe.

This application was resolved by order NOL-41904-21 issued on November 30, 2021 (the 'Board Order').

On December 15, 2021, the Landlord requested a review of the order, alleging there is a serious error(s) in the Board Order.

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

Determinations:

1. The hearing for the Landlord's L9 application was held on November 18, 2021 and the Landlord's Legal Representative participated in that hearing.
2. The Landlord's request-to-review claims the Member erred by not considering or applying subsection 44(2) of the *Residential Tenancies Act, 2006* (the 'Act') when making determinations to arrive at the Board Order that issued. In the request, the Landlord submits that on November 30, 2020, the Tenants provided notice to terminate on December 31, 2020 which is not 60-days' notice as required under the Act. As a result, the Landlord claims the Board Order is in serious error by not ordering rent arrears to the end of January 2021.
3. As part of the preliminary review, I listened to the entirety of the hearing's recording (which started at 2:11:11 of the record).

4. 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. My reasons are as follows.
5. During the hearing, the Landlord's Legal Representative made no submissions concerning a notice to terminate by the Tenants. The presiding Member went through the Landlord's submitted update sheet item by item, but the legal representative did not mention any issue that the Landlord did not accept the Tenants' move-out date of January 15, 2021. The Member concluded the hearing by stating the order to issue would go to the move-out date of January 15, 2021 and again, nothing was submitted by the legal representative to raise any issue with any notice of termination submitted, whether it was accepted/not accepted and/or any request for the Member to consider subsection 88(1)(1) of the Act (respecting tenant notices to terminate that do not comply with the Act).
6. The Landlord cannot simply raise new claims, issues and circumstances that the legal representative who was present at the November 18, 2021 hearing could have raised, and now ask that they be reheard or reconsidered. A review is not an opportunity to re-argue one's case in front of a different Member of the Board in the hope of a more favorable outcome. Neither is it an opportunity to present evidence and submissions at the time of requesting the review, which could and should have been presented at the original hearing.
7. In my view, the presiding Member received submissions from the Landlord who was represented at the hearing. The Board Order that issued contains a reasonable basis for the determinations made by the presiding Member based on the evidence/testimonies submitted. In accordance with Guideline 8 of the Board's Interpretation Guidelines, a Member's reasonable determinations and exercise of discretion, which includes the remedies ordered, will not be interfered with.

It is ordered that:

1. The request to review order NOL-41904-21 issued on November 30, 2021, is denied. The order is confirmed and remains unchanged.



Alex Brkic
Member, Landlord and Tenant Board

December 22, 2021
Date Issued

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

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