



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

File Number: SOL-21391-21-RV

In the matter of: 1240 BLANSHARD DRIVE
BURLINGTON ON L7M4N6

Between: Gao Ying
Jesus David Argente

and

Ari Buchalter

I hereby certify this is a
true copy of an Order dated
June 7 2022
A. Macchiaro
Landlord and Tenant Board

Landlords

Tenant

Review Order

Gao Ying and Jesus David Argente (the 'Landlords') applied for an order to terminate the tenancy and evict Ari Buchalter (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order SOL-21391-21 issued on May 18, 2022

On May 27, 2022, the Tenant requested a review of the order.

After listening to the recording, a preliminary review of the review request was completed without a hearing.

Determinations:

1. The Tenant claims he did not vacate in accordance with consent agreement on March 31, 2022 because he did not receive the Board's order issued May 18, 2022; the order mistakenly purports to resolve the Tenant's issues under section 82; and mistakenly reflect \$16,309.00 represents agreed rent arrears and costs.
2. 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.
3. After listening to the recording, the terms of consent order reflect the orally endorsed terms of agreement by the parties. Although there was delay in the Board issuing the consent order, the Tenant's decision to elect to remain in the unit because he did not receive the order is not reasonable. There's no reasonable logic to assume the presiding Dispute Resolution Officer would change the terms of the parties' oral consent agreement in the final written order. The recording confirms the parties agreed to the termination of

the tenancy on March 31, 2022. This is not a situation where there was ambiguity or uncertainty expressed by either party that could have been subject to a misunderstanding.

4. The Tenant submits there's a mistake in the order because he did not agree \$16,309.00 represents the arrears and costs owing to January 31, 2022. The recording confirms otherwise, and paragraph 3 of the order is consistent and reflective of the language used at the hearing which settled on consent the Landlord's L1 application for non-payment of rent.
5. With respect to the Tenant exercising his rights about his own issues, paragraph 6 of the order indicates that full resolution of the Tenant's section 82 issues applies *if the Tenant vacates* on March 31, 2022. The order is silent and does not purport to resolve the Tenant's section 82 issues *if the Tenant doesn't vacate*.
6. The Ontario Superior Court of Justice-Divisional Court has stated that "parties ought not to be easily able to revisit Board orders that have been made on consent. The effective resolution of matters that come before the Board will be greatly impaired if parties can continually seek to revisit issues that they have earlier agreed to resolve." [*Trust Construction Corporation v. McKie*, 2017 ONSC 4702]
7. The order set out the terms of the agreement the parties reached as supported the recording and the Tenant does not provide evidence of errors that could potentially change the result of the order.

It is ordered that:

1. The request to review order SOL-21391-21 issued on May 18, 2022 is denied. The order is confirmed and remains unchanged.

June 7, 2022
Date Issued


Sandra Macchione
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

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