



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

**Citation:** Jafari v Maraghechi, 2023 ONLTB 31366

**Date:** 2023-04-06 **File Number:**  
LTB-L-040931-22-RV

**In the matter of:** 1005, 208 QUEENS QUAY W Toronto  
ON M5J2Y5

**Between:** Amir Jafari Landlord

**And**

Shirin Maraghechi Tenant

### Review Order

Amir Jafari (the 'Landlord') applied for an order to terminate the tenancy and evict Shirin Maraghechi (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard on February 27, 2023 and resolved by order LTB-L-040931-22 issued on March 6, 2023.

On April 5, 2023 the Tenant requested a review of the order and that the order be stayed until the Tenant's request for review is resolved.

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

#### Determinations:

1. 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 or that the Tenant was not reasonably able to participate in the proceeding.

#### Not reasonably able to participate:

2. The Tenant's request for review alleges that she was not reasonably able to participate in the hearing. However, the Board's records show that the Tenant was aware of the hearing date and sent a legal representative to speak on the Tenant's behalf and to request an adjournment of the matter.

3. Although the Tenant's adjournment request was denied by the presiding Member, the order provides sufficient reasons for denying the adjournment. The Member found that the Tenant had received ample notice of hearing and that there was insufficient evidence to support why the Doctor's appointment could not be rescheduled. Further, the Member stood the matter down for over an hour to allow the Tenant's legal representative an opportunity to contact the Tenant to inquire if the Tenant could participate in the hearing after her appointment. The Tenant did not respond to her representative or update the Board.
4. Granting an adjournment request is at the discretion of the presiding Member, simply put adjournments are not automatically granted because a party wishes to not participate in the proceeding. The Member correctly mentions in her order that the Tenant should have been on standby with her legal representative had the adjournment not been granted.
5. As stated by the Court in *Q Res IV Operating CP Inc. v. Berezovs'ka* 2017 ONSC 5541 "If parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely cost-effective and final orders." Serious error:
6. The Tenant's request also alleges that the order contains serious errors. In particular, the Tenant challenges the amount of arrears owing.
7. At the hearing, the Tenant's legal representative advised the Member that they dispute the amount of arrears owing, but provided no documentary evidence to support that additional payments were made. The Member's finding that the Tenant owed \$29,000.00 in arrears of rent to February 28, 2023 was based on the evidence presented at the hearing.
8. The request to review seeks to revisit the hearing Member's decision. While the Tenant clearly disagrees with the decision, the purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better outcome. I would not interfere with the assessment of the evidence by the hearing Member, who was in the best position to assess the credibility of the parties and had the opportunity of hearing the evidence in its totality.

**It is ordered that:**

1. The request to review order LTB-L-040931-22 issued on March 6, 2023 is denied. The order is confirmed and remains unchanged.

**April 11, 2023**

**Date Issued**

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**Fabio Quattrociochi**

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.

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