



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

File Number: EAL-96070-21-RV

In the matter of: 8611 PURDY ROAD
ASHTON ON K0A1B0

Between: Ken Purdy
Madeleine Purdy

Landlords

and

Gabriel Martel

Tenant

Review Order

Ken Purdy and Madeleine Purdy (the 'Landlords') applied for an order to terminate the tenancy and evict Gabriel Martel (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlords or another tenant. The Landlords also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order EAL-96070-21 issued on November 8, 2021.

On November 26, 2021, the Tenant requested a review of the order.

The Tenant alleged that there was a serious error in the order.

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.
2. In the review request the Tenant alleges that that the order contains serious errors that may be summarized as follows:
 - a. The Member was unaware of or ignored the Province of Ontario's state of emergence and COVID-19's effect on all activities in the Province;
 - b. The LTB has no policy to protect the health and safety of tenants and has relied on and enforced the policies of the Ontario Realtors Association; and

- c. The Tenant requests a Ministerial Review of the LTB COVID response as it applies to the health and safety of tenants and a review of the COVID risk to tenants by the CMO of the Province of Ontario.

Errors in the Order

3. The Tenant alleges that there is an error in the order as the Member either ignored the impact of COVID-19 and the Province's declared state of emergency, or the Member is unaware of them as he failed to consider them in his determinations.
4. I have reviewed the order and find that the Member turned his mind to the COVID-19 pandemic in paragraphs 6 to 10 of his order. I find that the Member was aware of the COVID-19 pandemic and determined that the Tenant had the option of not being present in the rental unit at the time the Landlord's showed the rental unit to prospective purchasers, if the Tenant was concerned about contracting the virus. Further, in consideration of all of the submissions and evidence before him, the Member granted relief from eviction.
5. I also find that the LTB has not adopted or set in place policies or procedures that adopt policies of the Ontario Realtors Association regarding the COVID-19 pandemic. The Tenant failed to provide any evidence to support this assertion.
6. I do not find that the Tenant has demonstrated that there was a serious error in the order. I find that the Member's determinations were supported by the evidence before him.
7. 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.

Request for Ministerial and Chief Medical Officer of the Province of Ontario Response

8. The request for a response from a Minister or the Chief Medical Officer for the Province have been directed to the respective offices by the Tenant, as stated in his review request. They do not form part of this review.
9. The review request is denied in accordance with Rule 26.9(c) of the Board's Rules of Procedure because the grounds for considering a review are not satisfied.

It is ordered that:

1. The request to review order EAL-96070-21 issued on November 8, 2021 is denied. The order is confirmed and remains unchanged.

November 30, 2021
Date Issued



Nicola Mulima
Member, Landlord and Tenant Board

Eastern-RO
255 Albert Street, 4th Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.