



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

Citation: Ravadgar v Kaftroudi, 2023 ONLTB 48512

Date: 2023-08-17

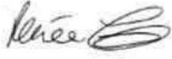
File Number: LTB-L-012912-23-RV-AM

In the matter of: 3, 292 ELGIN MILLS RD W
Richmond Hill ON L4C4M2

Between: Shayan Ravadgar

And

Zahra Feizi Kaftroudi

I hereby certify this is a
true copy of an Order dated
OCT 3, 2023

Landlord and Tenant Board

Landlord

Tenant

Review Order

This amended order is issued to correct a clerical error in the original order issued on August 17, 2023.

Shayan Ravadgar (the 'Landlord') applied for an order to terminate the tenancy and evict Zahra Feizi Kaftroudi (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-012912-23 issued on July 4, 2023.

On August 15, 2023, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant submits that there is a serious error in the order, because the order, which terminates the tenancy based on an L1 application for termination for arrears, does not contain a clause permitting the Tenant to void the order by paying the full amount owed. The Tenant submits that subs. 74(4) of the *Residential Tenancies Act, 2006* (the 'Act') requires the Board to include a voiding clause.
2. I listened to the hearing recording. The order under review was made on consent of the parties. The Tenant was assisted at the hearing by Tenant Duty Counsel and an interpreter. The Member went over the terms of the consent with the Landlord's representative and then went over the terms with the Tenant through the interpreter. The Member asked if the Tenant understood and agreed that these terms mean she would have to "leave and move out" by August 15, 2023 and the Tenant stated that she did. No one present at the hearing said that either party wanted the termination to be voidable. No one characterized the order to which they consented as a "standard order" (in which it

would be reasonable to assume there would be a voiding clause unless specifically excluded). The order exactly reflects the terms that were given to the Member at the hearing.

3. Parties may consent to a non-voidable order notwithstanding subs. 74(4) of the Act because parties may agree to terminate a tenancy pursuant to s. 37 of the Act. A non-voidable eviction order does not conflict with the Act because s.37 provides that parties may agree to terminate the tenancy.
4. The 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)
5. The Divisional Court also stated that “The policy of the courts is to promote settlement. The discretion to refuse to enforce a settlement should be exercised rarely... agreements, and joint submissions, are serious and they should not be easy to simply overturn. To allow parties, after the fact, to raise claims they could have or allow second thoughts after an agreement is struck would cause unnecessary waste on our Tribunals and Courts. No one, even with an order, would feel safe to rely on what has been agreed to. This would not be a just result.” (*Gent v. IMH Pool III LP*, 2017 ONSC 7230 CanLII)
6. Given the above, I am not satisfied that there is any reason to revisit the order.
7. On the basis of the submissions made in the request and on the hearing recording, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

It is ordered that:

1. The request to review order LTB-L-012912-23 issued on July 4, 2023 is denied. The order is confirmed and remains unchanged.

August 17, 2023

Date Issued

October 3, 2023

Date Amended



Renée Lang

Vice Chair, 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.

