



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

Citation: Marrazzo v Brown, 2023 ONLTB 70098

Date: 2023-10-16

File Number: LTB-L-013478-23-RV

In the matter of: 508, 2093 FAIRVIEW ST
BURLINGTON ON L7R0E6

Between: Mark Marrazzo

And

Jay Brown

I hereby certify this is a true copy of an Order dated
OCT 16, 2023
Landlord and Tenant Board

Landlord

Tenant

Review Order

Mark Marrazzo (the 'Landlord') applied for an order to terminate the tenancy and evict Jay Brown (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-013478-23 issued on September 21, 2023.

On October 15, 2023, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

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

Determinations:

1. I have listened to the September 11, 2023 hearing recording, reviewed the hearing order, and reviewed the Board's application record. 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 the Tenant was not reasonably able to participate in the proceeding.
2. The Tenant alleges in their request to review that:
 1. There is a serious error in the order because of an inaccurate finding of fact regarding the last month's rent deposit.
 2. That a new hearing should be granted for the Tenant to raise that threats have been made by the Landlord against the Tenant.
 3. That the Tenant was not reasonably able to participate in the September 11, 2023 hearing.



Serious Error – Inaccurate Finding of Fact

3. In the order the Member finds that there is no last month's rent deposit. The Tenant alleges that this is wrong and that the Landlord is in possession of a last month's rent deposit.
4. The Landlord's application and update sheet both state that the Landlord is not in possession of a last month's rent deposit. The Landlord's representative at the hearing also stated that the Landlord is not in possession of a last month's rent deposit. The Tenant did not attend the hearing to provide any evidence to the contrary.
5. The Board's review process is not an opportunity for a party to re-argue a matter that has been finally determined. Nor is it an opportunity to present evidence and submissions that could and should have been presented at the original hearing.
6. The Member's findings of fact are rationally connected to the evidence. There is nothing in the record to support a determination that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. As such, I am not satisfied that there is a serious error in the order regarding whether the Landlord holds a rent deposit.

New Hearing to Raise Tenant Issues

7. The Tenant requests a new hearing to address threats he claims were made by the Landlord. Again, a review is not an opportunity to present evidence that could have and should have been presented at the original hearing. The Tenant did not attend the hearing to lead any evidence regarding the Landlord's behaviour. As such, a review will not be granted on this basis.

Not Reasonably Able to Participate

8. The Tenant also alleges in his request to review that he was not reasonably able to participate in the September 11, 2023 hearing. However, the Tenant provides no information to support that he was not reasonably able to participate. A request to review must provide sufficient information to justify granting the review. As the Tenant provided inadequate information regarding this ground of review the request is denied.

It is ordered that:

1. The request to review order LTB-L-013478-23 issued on September 21, 2023 is denied.

October 16, 2023
Date Issued



Amanda Kovats
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.