



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

Citation: Grow Ontario Property Management Inc v Setzkorn, 2024 ONLTB 36010

Date: 2024-05-10 **File Number:**
LTB-L-057220-23-RV

In the matter of: C, 7 GROSVENOR AVE S HAMILTON
ON L8M3K8

Between: Grow Ontario Property Management Inc Landlord

And

Earl Setzkorn Tenant

Review Order

Grow Ontario Property Management Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Earl Setzkorn (the 'Tenant') because the Landlord requires vacant possession of the rental unit in order to do major repairs or renovations to the unit. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-057220-23 issued on April 26, 2024 and amended on April 29, 2024.

On May 8, 2024, the Legal Representative requested a review of 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. The order requiring the Landlord to pay costs is consistent with the Board's Rules of Procedure and is reasonable in the circumstances.
2. The Landlord explains in the review request that it did not know it was required to withdraw the application before the April 18, 2024 scheduled Board hearing. Because of the Landlord's omission, the Board proceeded with the scheduled hearing, wasting time and resources.

3. I find the Landlord's explanation for failing to withdraw this and other applications is not reasonable. Knowing that the Board had scheduled this and other Landlord applications for hearings, a reasonable person would have informed the Board of a private settlement between the parties to allow the Board to cancel the scheduled hearing(s) and to use the

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freed time more productively. The Landlord's, or its legal representative's, omission to take this simple step was not reasonable and caused the Board to lose valuable hearing room time.

4. The April 26, 2024 order cites Board Interpretation Guideline 3, which is consistent with Rule 23.3 of the Board's Rules of Procedure. It is therefore apparent the Vice Chair considered appropriate factors when determining whether to assess costs against the Landlord. The Vice Chair's decision is therefore rational, and not capricious. Rule 23.3 states that the Board may assess costs against a party who has engaged in unreasonable conduct which causes undue delay or expense. Having caused the Board to waste scarce hearing time, I find the Board Vice Chair was entitled in the circumstances to order the Landlord to pay costs of \$400.00.
5. The Landlord has accordingly not shown that an error exists in the April 26, 2024 order, or that an error occurred in the proceedings. The request to review the order must therefore be denied.

It is ordered that:

1. The request to review order LTB-L-057220-23, issued on April 26, 2024 and amended on April 29, 2024, is denied. The order is confirmed and remains unchanged.

May 10, 2024

Date Issued

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

Harry Cho

Vice Chair, Landlord and Tenant Board

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

