



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

Citation: BARNETT v TASELOS, 2024 ONLTB 15543

Date: 2024-02-26 **File Number:**
LTB-T-074184-22-RV

In the matter of: BSMT, 468 ONTARIO ST TORONTO
ON M5A2W1

Between: ELIJAH BARNETT Tenants
JOHN DEMUYNCK

And

PHOTINI AND MARY-LOUISE TASELOS Landlords
MARY-LOUISE TASELOS

Review Order

ELIJAH BARNETT and JOHN DEMUYNCK (the 'Tenants') applied for an order determining that PHOTINI AND MARY-LOUISE TASELOS and MARY-LOUISE TASELOS (the 'Landlords') :

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenants or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenants.
- withheld or interfered with their vital services or care services and meals in a care home.

ELIJAH BARNETT and JOHN DEMUYNCK (the 'Tenants') also applied for an order determining that PHOTINI TASELOS and MARY-LOUISE TASELOS (the 'Landlords') failed to meet the Landlords maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was resolved by order LTB-T-074184-22 issued on January 16, 2024.

On February 22, 2024, the Landlords requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. The hearing of the Tenants' applications took place on November 19, 2021 and October 31, 2022. The Landlords, the Landlords' legal representative, and the Tenants attended the hearing. The Tenants' application was granted.

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2. The Landlords filed this request to review alleging that the Board made the following serious errors:
 - (a) The order for an administrative fine is excessive.
 - (b) The hearing member made unreasonable findings of fact regarding the Tenants' car being towed and delayed repairs.
3. For the reasons set out below, the Landlords' review request is denied.
4. The Landlords submit that the administrative fine of \$5,700.00 is excessive. Their position is that a fine is generally reserved for repeat offenders whereas the Landlords in this matter were only involved in a dispute between two tenants.
5. Interpretation Guideline 16 suggests that the purpose of a fine is to encourage compliance with the *Residential Tenancies Act, 2006* (the 'Act') and to deter landlords from engaging in similar activities in the future.
6. It is apparent from the final order that the presiding Board Member correctly exercised their jurisdiction under subsection 31(1) of the Act by considering the Landlords' breaches when concluding that an administrative fine of \$5,700.00 was appropriate. The hearing member finds in paragraph 32 that he was satisfied that the actions of the Landlords to harass the Tenants warrants a fine after considering the nature of the tenancy relationship. The hearing member's exercise of discretion was rationally connected to the parties' evidence and submissions, and the exercise was therefore not capricious. Although another Board Member may have exercised their discretion to impose an administrative fine differently, the presiding hearing member's decision is entitled to deference. As such, I find no serious error in this regard.
7. The Landlords also submit that the hearing member made unreasonable findings of fact regarding the Tenants' car being towed and delaying repairs.

8. Paragraph 23 states:

Based on the uncontested evidence that the Landlord directly or through others did intentionally harass the tenants by interfering with hydro and delaying repairs, by having the Tenant's vehicles towed. This evidence was not challenged by the Landlord.

9. In the review request, the Landlords submit that the Landlord testified to not intentionally having the Tenants' car towed. The hearing record does not support this position. As such, I find no serious error in this regard.

10. While the hearing record and final order shows that the Landlords disputed delaying repairs in the rental unit, I do not find that this error would substantially change the outcome of the final order. The hearing member found that 25% rent abatement for four months was an appropriate remedy for harassment (based on the Landlords interfering with hydro and having the Tenants' vehicles towed) and the Landlords substantially interfering with the reasonable enjoyment of the Tenants. In other words, the award was not solely based on **File Number: LTB-T-074184-22-RV**

the finding of fact regarding the Landlords delaying repairs in the rental unit. In my view, the Landlords having disputed delaying repairs would not have changed the finding that the Landlords harassed the Tenants or substantially interfered with the Tenants, and accordingly, the amount awarded.

11. 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 and/or that the Landlords were not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-T-074184-22 issued on January 16, 2024 is denied. The order is confirmed and remains unchanged.

February 26, 2024

Issued

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6



Camille Tancioco

Member, Landlord and Tenant Board

Date

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

