



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

**Citation:** Dhaliwal and gurwinder grewal v Karyouti, 2024 ONLTB 62077

**Date:** 2024-08-16

**File Number:** LTB-L-014057-24-RV

**In the matter of:** Main, 1266 JOURNEY CROSS  
LONDON ON N6G0G8

**Between:** Rhandhir Dhaliwal Landlords  
Gurwinder Grewal

**And**

Lena Karyouti Tenant

### Review Order

Rhandhir Dhaliwal and Gurwinder Grewal (the 'Landlords') applied for an order to terminate the tenancy and evict Lena Karyouti (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-014057-24 issued on July 25, 2024.

On August 14, 2024, the Tenant 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 Tenant raises the following issues in the review request:
  1. That she was not given a chance to explain herself at the hearing.
  2. That she was given insufficient notice of the hearing.
  3. That the final order is incorrect regarding cash rent payments the Tenant claims to have made.
  4. That additional relief from eviction should be granted.
2. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order, that a serious error occurred in the proceedings, or that the Tenant was not reasonably able to participate in the proceeding.

### Participation in the Hearing

3. The Tenant states the following in the review request: “the day of the hearing I tried to explain I had the right to show the proof I had signed and witnessed, I felt because I had no lawyer or paralegal to speak up for me I was not heard”. The Tenant also states that she has more information she would like to raise but was not given a chance at the hearing to explain anything.
4. I have listened to the hearing recording. The recording shows the Tenant was aware of the issues to be determined at the hearing, and that the Tenant exercised the right to be heard on those issues. The Tenant was therefore afforded procedural fairness.
5. The Tenant testified at the hearing that she made a \$20,000.00 cash payment. For the reasons explained in the order the hearing member was not satisfied that the Tenant did make that payment. The hearing member did not prohibit the Tenant from submitting supporting documentation to establish her claim but rather the Tenant did not file or disclose any in advance of the hearing. A review is not an opportunity to change the way that a case was presented.

### Notice of the Hearing

6. The Tenant may be suggesting in the review request that she did not get sufficient notice of the hearing in order to adequately prepare. The Board’s records reflect that the notice of hearing was mailed to the Tenant approximately three months before the hearing. The Tenant does not state in the review request when she received the notice of hearing, explain how the notice she received was insufficient, or what she needed more time to do. As such, I am not satisfied that there was a serious procedural error in this regard.

### Cash Payments

7. In the review request the Tenant restates her argument that she made cash payments to the Landlord. A review is not an opportunity for a party to re-argue a matter that has been finally determined. The final order sets out in sufficient detail the reasons why the hearing member arrived at his conclusions and it is evident that the hearing member’s findings of fact are rationally connected to the evidence adduced during the hearing. As such, I am not satisfied that the hearing member made a serious error regarding their finding that the Tenant did not make cash payments.

### Relief from Eviction

8. In the review request the Tenant requests further relief from eviction. The purpose of a review request is not to provide relief from eviction. The requestor must identify a serious error or that they were not reasonably able to participate in the proceedings. As the Tenant has not done so, the request to review is denied.

**It is ordered that:**

1. The request to review order LTB-L-014057-24 issued on July 25, 2024 is denied. The order is confirmed and remains unchanged.

**August 16, 2024**  
**Date Issued**

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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.