



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

Citation: Trevex Developments Inc. v Omar, 2024 ONLTB 60393

Date: 2024-08-09

File Number: LTB-L-071294-23-RV

In the matter of: 652 Victoria Street South
Cambridge, ON N2M 3B1

Between: Trevex Developments Inc. Landlord

And

Sujad Omar Tenant

Review Order

Trevex Developments Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Sujad Omar (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was resolved by order LTB-L-071294-23 issued on July 9, 2024.

On August 8, 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 alleges that he was unable to reasonably participate in the hearing and that the order contains a serious error. For the following reasons, the Tenant's request to review the order is denied.
2. The Tenant alleges that he was unable to reasonably participate in the hearing as he alleges that important evidence was missing from the hearing as the Tenant was unable to negotiate the Tribunals Ontario Portal.
3. The application had originally been scheduled for a hearing on February 28, 2024 and was adjourned to the hearing date of June 25, 2024.

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4. The Tenant raised this issue with the presiding member who correctly pointed out that the Tenant had more than ample opportunity to organize and provide evidence in advance of the hearing. The Tenant never requested an adjournment in order to provide the evidence he intended on relying upon.
5. The Tenant testified that he only attempted to try to upload evidence the day of the hearing, which the presiding member correctly pointed out would not have been considered, as the Tenant's evidence would not have been disclosed in accordance with Rule 19 of the Board's *Rules of Procedure*.
6. The Tenant not having provided a reasonable explanation as to why he was unable to disclose the evidence he intended to rely upon, the presiding member was correct in proceeding with the hearing.
7. The Tenant further alleges that the order contains a serious error as he had testified that the Landlord had cut off his vital services which were utilities not included in the rent. Further, the Tenant now wishes to adduce evidence from a By-Law officer who has knowledge of this allegation.
8. The Tenant raised this issue at the hearing and had agreed that as of the date of the hearing that the utilities were now in his name and that he had full use of all of his vital services. The presiding member notes this in her order.
9. Further, as outlined above, the Tenant had ample and reasonable opportunity to adduce this evidence at the hearing yet provides no reasonable explanation as to why it was not. As well, the Tenant fails to outline how this issue is a serious error in the order.
10. If it's the case that the presiding member failed to consider the issue raised under s. 82 or 83 of the Act, I again reiterate that the Tenant failed to disclose his evidence and his list of issues in accordance with Rule 19 of the Board's *Rule of Procedure*. Further, while the presiding member is required to refuse eviction under s. 83(3)(a) should a Landlord be in serious breach of their responsibilities under the Act, the presiding member correctly determined that the issue was resolved as of the date of the hearing and as such, was not required to refuse eviction.
11. Further, the Tenant alleges that the order contains a serious error because he was given 11 days to vacate the unit as opposed to the 30 days he requested.
12. The presiding member again considered the circumstances of the parties in accordance with s. 83 of the Act and made a determination that was within the reasonable range of outcomes concerning the termination of the tenancy.
13. The Tenant did not propose a payment plan and in fact testified that he intended on vacating the unit as soon as he could. As such, I do not find that the order contains a serious error concerning the length of the termination date.

14. 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 or that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-071294-23 issued on July 9, 2024 is denied.
2. The order is confirmed and remains unchanged.

August 9, 2024
Date Issued

Jagger Benham
Member, Landlord and Tenant Board

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