





Did the Member seriously err by giving insufficient or inconsistent reasons to support the determination that the Landlord substantially interfered with the Tenant's reasonable enjoyment of the premises by failing to provide an exclusive mailbox?

2. The Landlord's representative submits that the Member's determinations regarding the mailbox are inconsistent with her finding that not providing one amounted to substantial interference. The representative specifically points to paragraph 41 of the order where the member states that there is no express requirement in the Act for a Landlord to provide a tenant with a mailbox.
3. The Tenant's representative submits that the Member's reasons for making this determination are reasoned and adequate.
4. The Landlord's submission represents a misunderstanding of the presiding Member's reasons. A careful reading of the order shows the Member determined that landlords are responsible for providing tenants with functioning mailboxes, despite there being no express requirements in the Act. The Member's interpretation considers the entire Act, including how a person may give a document. The Member's interpretation is consistent with the Act's provisions, reasonable, and is accordingly entitled to deference.

Did the Member err by finding that the Landlord substantially interfered with the Tenant's reasonable enjoyment by showing the unit to a prospective tenant?

5. The Landlord's representative submits that the member erred in her determination at paragraph 67 and 76 of the order when she found that the Landlord interfered with the Tenant's reasonable enjoyment by showing the unit to a prospective tenant, when at the hearing, the Landlord testified that he showed the unit to a prospective buyer. The representative submits that there is nothing in the Act that would prevent the Landlord from showing the unit to a prospective buyer when no notice of termination has been given.
6. The Tenant's representative submits that the evidence at the hearing was that the notice was given to show the unit to a prospective tenant and therefore, there is no serious error in the Member's determination.
7. The purpose of a review is not to provide parties with an opportunity to relitigate the issues in hopes of a better outcome. I will not interfere with the assessment of the evidence by the hearing member, who had the opportunity of hearing the evidence in its totality, therefore, I find there is no serious error on this point. While it is possible for people to interpret evidence differently, the Member's order and hearing recording do not reveal a procedural error. The recording confirms the parties knew the issues to be determined at the Board hearing and exercised the right to introduce evidence and respond to the other's evidence. The Landlord's direct evidence starts at approximately 2:39:24 of the hearing recording and finishes at approximately 3:50:39, nowhere in that time did the Landlord testify that the unit was shown to a prospective buyer as the representative submits.

Did the Member err when she determined that the Landlord failed to allocate a parking spot resulting in a finding that the Landlord substantially interfered with the Tenant's reasonable enjoyment?



8. The Landlord's representative submits that the issue with allocating a parking spot was dealt with in HOL-09507-21.

9. I find that the Member provided fulsome reasons to substantiate her finding with regard to the parking issues. She specifically points out in her order that the order the Landlord

refers to above was cancelled on review, after which the Landlord withdrew the application. This left the member open to making this particular determination, therefore, I do not find that this constitutes a serious error.

Did the Member err by failing to consider the Tenant's behaviour when making a finding of harassment against the Landlord?

10. The Landlord's representative submits at point 4 and 5 of the request to review that the member did not consider the Tenant's actions against the Landlord when making a finding that the Landlord harassed the Tenant.

11. The Member's determination that the Landlord harassed the Tenant is detailed and reasoned. The Landlord's representative's submission that the member didn't consider the Tenant's behaviour towards the Landlord when making that determination is flawed. The application before the Board is a T2 Application brought by the Tenant against the Landlord. The Member correctly considered the behaviour of the Landlord when making her determinations about harassment. The member did consider the Tenant's behaviour appropriately when assessing a remedy and lowered the abatement in consideration of that.

12. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order, therefore the request to review is denied.

It is ordered that:

1. The request to review order LTB-T-070694-22 issued on January 25, 2023 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 10, 2023 is cancelled. The stay of order LTB-T-07069422 is lifted immediately.

September 19, 2023

Date Issued

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Emily Robb

Member, Landlord and Tenant Board

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