



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

Citation: Di Natale v Reyes, 2023 ONLTB 43046

Date: 2023-07-07 **File Number:**
LTB-L-004779-23-RV

In the matter of: 117, 215 Mississauga Valley Blvd Mississauga
Ontario L5A1Y7

Between: Salvatore Di Natale Landlords
Rosaria Lo Giudice
Rosa Maria Panetta

And

Clara Reyes Tenants Michael J Nelson

Review Order

Salvatore Di Natale, Rosaria Lo Giudice and Rosa Maria Panetta (the 'Landlords') applied for an order to terminate the tenancy and evict Clara Reyes and Michael J Nelson (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-004779-23 issued on June 9, 2023.

On June 21, 2023, the Tenants 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, the hearing recording, and a review of the documents on file, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.
2. At the hearing that gave rise to the order under review, the Tenants submitted as a preliminary issue that the application should be dismissed because it does not comply with s. 185 of the *Residential Tenancies Act, 2006* (the 'Act'). Section 185 of the Act provides

that an application must be signed by the applicant or by a person representing the applicant under the authority of the Law Society Act. In this case the application was signed by Rosaria Lo Giudice. The leases executed by the parties list only Salvatore Di Natale as the Landlord. There was no evidence given at the hearing that Ms. Lo Giudice is licensed by the Law Society of Ontario.

3. The order under review grants the application and does not address this preliminary issue.

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4. At the hearing the Member determined that Ms. Lo Giudice, who is Mr. Di Natale's daughter, is an agent of the Landlord and that on that basis she was entitled to sign the application. The Member had heard evidence that Ms. Lo Giudice had been managing the rental unit property on behalf of her father, who is incapable of managing the property on his own. Ms. Lo Giudice had signed the most recent lease as a Landlord (although the lease lists only Mr. Di Natale as Landlord).

5. Subs 2(1) of the Act defines "landlord" as follows:

"landlord" includes,

- (a) the owner of a rental unit **or any other person who permits occupancy of a rental unit**, other than a tenant who occupies a rental unit in a residential complex and who permits another person to also occupy the unit or any part of the unit,
- (b) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a), and
- (c) a person, other than a tenant occupying a rental unit in a residential complex, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent;

[Emphasis added]

6. The determination that Ms. Lo Giudice's signature could satisfy the requirement at s.185 of the Act because she is the Landlord's agent was incorrect. She could only sign as a legal representative or as a Landlord. However, although this is an error it is not a serious error because it is not material to the outcome. Ms. Lo Giudice signed the lease on behalf of the Landlord and so she is a person who permitted occupancy of the rental unit. This means she is a Landlord pursuant to the definition of "landlord" at subs. 2(1) of the Act, and, as such, along with the fact that she is one of the named applicants in the application, her signature satisfies the requirement at s.185 of the Act.
7. This order sets out reasons for finding that the signature on the application complies with s.185 of the Act. Therefore, the failure to set out those reasons in the original order is not material and so it is not a serious error.

It is ordered that:

1. The request to review order LTB-L-004779-23 issued on June 9, 2023 is denied. The order is confirmed and remains unchanged.

July 7, 2023

Date Issued

Renée Lang

Vice Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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