



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

Citation: Lorrان Dover v MKE Properties Inc. 2023 ONLTB 45827

Date: 2023-06-15 **File Number:**
LTB-T-001317-23-RV

In the matter of: 1, 837 FOSS ROAD
FENWICK ONTARIO L1S1C0

Between: Lorrان Dover Tenant

And

MKE Properties Inc. Landlord

Review Order

Lorrان Dover (the 'Tenant') applied for an order determining that MKE Properties Inc. (the 'Landlord') has collected or retained money illegally.

This application was heard on May 3, 2023 and resolved by order LTB-T-001317-23 issued on May 11, 2023

On June 9, 2023 the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The May 11, 2023 Board order was issued by a Board Dispute Resolution Officer (DRO) in which the Tenant requested consent of the Board to withdraw their T1 application.
2. I have listened to the May 3, 2023 hearing recording and have reviewed the Board's application record. 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.
3. The hearing recording and Board record confirms the Tenants attendance and participation in the hearing, the mediation session and the consent order reached between the parties. The hearing recording also confirms that the DRO advised the parties of the file number and application that was before the Board prior to hearing the Tenant's request to withdraw their application.

4. The hearing recording confirms the Tenant stating that she is withdrawing her application and that she intends to re-file a new application. Nowhere in the recording does the Tenant seem unsure of her decision to withdraw her application nor did the Tenant ask the Board's DRO for clarification regarding her request.

Order Page 1 of 2

5. In *Trust Construction Corporation v. McKie*, 2017 ONSC 4702 (CanLII) the Divisional Court at para 6 stated:

“It is also a matter of concern that parties ought not to be easily able to revisit orders that have been made on consent. The effective resolution of matters that come before the Board will be greatly impaired if parties can continually seek to revisit issues that they have earlier agreed to resolve.”

6. As I am not satisfied that the Tenant was not reasonably able to participate in the proceedings or that a serious error exists in the order or proceedings, the request for review must be denied.

It is ordered that:

1. The request to review order LTB-T-001317-23 issued on May 11, 2023 is denied. The order is confirmed and remains unchanged.

June 15, 2023

Date Issued

Fabio Quattrociochi

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.

