



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

**Citation:** Ferdahss Nedae v Jessica Leckie, 2023 ONLTB 44303

**Date:** 2023-06-08

**File Number:** LTB-L-035504-23-RV

**In the matter of:** BASEMENT (C), 296 CHRISTINA STREET  
SOUTH  
SARNIA ON N7T2N5

**Between:** Ferdahss Nedae Landlord

**And**

Jessica Leckie Tenant

### Review Order

Ferdahss Nedae (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Leckie (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was resolved by *ex-parte* order LTB-L-035504-23 issued on May 24, 2023.

On June 8, 2023, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

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

### Determinations:

1. 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 proceedings.
2. The Tenant's request is based on the ground of being not reasonably able to participate in the proceedings.
3. The order under review was an order issued pursuant to s.77 of the *Residential Tenancies Act, 2006* (the 'Act'). It was properly an *ex parte* order. *Ex parte* orders are issued without notice to, or participation by, the other party. It was appropriate for the Tenant not to be given notice that this order would be issued and it was appropriate for there to be no hearing before this order was issued. I therefore cannot find that the Tenant was not reasonably able to participate in the proceedings. The Tenant had no legal right to participate in the proceedings that resulted in the *ex parte* order.

4. In their review request, the Tenant appears to argue the validity of the agreement to terminate the tenancy.
5. If the Tenant disagrees with the order, the Tenant may wish to file a motion to set aside. Given the above, the request to review must be denied.

**It is ordered that:**

1. The request to review order LTB-L-035504-23 issued on May 24, 2023 is denied. The order is confirmed and remains unchanged.

**June 8, 2023**  
**Date Issued**

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Dana Wren  
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.