



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

**Citation:** Damilatis v Schindel, 2023 ONLTB 43845

**Date:** 2023-06-07 **File Number:**  
LTB-L-010197-22-RV

**In the matter of:** 157 Woodfield Road  
Toronto ON M4L2W8

**Between:** Theodore Damilatis Landlord

**And**

Bonnie Schindel Tenant  
Taylor Hedefine

### Review Order

Theodore Damilatis (the 'Landlord') applied for an order to terminate the tenancy and evict Bonnie Schindel and Taylor Hedefine (the 'Tenants') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-010197-22 issued on May 11, 2023.

On June 6, 2023, the first named 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 Tenant's review request was completed without a hearing.

### Determinations:

- 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.
- The requesting Tenant claims serious error in the original order; specifically, that the presiding Member did not consider the Tenant's evidence with respect to the Tenant's

belief that the Landlord intends to renovate the rental unit. The Tenant asserts that the Member failed to consider her documentary evidence on this issue. I disagree.

3. At paragraph 12, the Member states that "...the Tenant did not provide any concrete and objective evidence to lead me to doubt HD's intention." The Member goes on in paragraphs 12 and 13 to provide her reasons with respect to the Tenant's claim that the

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Landlord's motive was to renovate the rental unit. Clearly, the Member contemplated the Tenant's position on this issue and made a finding of fact.

4. I note, a Member is not required to introduce, reference or explain every piece of evidence that was introduced at a hearing in the Order. In this case, the Member was in the best position to admit and consider the parties' relevant evidence and to make findings of fact. Since there was evidence before the Member to conclude the Landlord served the N12 notice to terminate the tenancy in good faith, the adjudicator's findings of fact are rational and entitled to deference.
5. As previously stated, the May 11, 2023 order is not required to identify and discuss each item of evidence, or every legal argument introduced at the hearing. Having found the Landlord served the notice to terminate the tenancy in good faith, the decision to terminate the tenancy and evict the Tenants as of November 30, 2023 falls within a reasonable range of outcomes.
6. The Tenant has therefore not demonstrated that a serious error may exist in the May 11, 2023 order, or that a serious error may have occurred in the proceedings. The request to review the order must accordingly be denied.

**It is ordered that:**

1. The request to review order LTB-L-010197-22 issued on May 11, 2023 is denied. The order is confirmed and remains unchanged.

**June 7, 2023**

**Date Issued**

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.

