



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

**Citation:** CARPENTER v DALE, 2023 ONLTB 32949

**Date:** 2023-04-17

**File Number:** LTB-L-031796-22-RV

**In the matter of:** B, 83 ECCLES STREET NORTH  
BARRIE ONTARIO L4N1Y5

**Between:** CHERYL A CARPENTER Landlord

**And**

MARJORIE DALE Tenant

### Review Order

Cheryl A. Carpenter (the 'Landlord') applied for an order requiring Marjorie Dale (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

The Landlord also applied for an order requiring the Former Tenant to pay the Landlord's reasonable out-of-pocket costs that the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenant, another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

This application was resolved by order LTB-L-031796-22 issued on April 5, 2023.

On April 15, 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 request was conducted 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 proceeding.
2. The hearing was held on March 23, 2023. The Landlord and the former Tenant attended the hearing. The matter before the Board was based on an L10 application filed by the Landlord to collect money after the Tenant vacated the rental unit.
3. Although the Tenant's request alleges serious error in the order, the Tenant essentially seeks to revisit the presiding Member's decision.

4. The Tenant's review request is based primarily on the circumstances surrounding the N9 notice to terminate the tenancy.
5. The Tenant participated at the hearing and had ample opportunity to review and challenge the Landlord's submissions. The original order was based on submissions made at the time of the hearing and the order reflects this accordingly.
6. The Tenant's opportunity to lead evidence about the claims in the L10 application was at the March 23 2023 hearing. Having determined that the Tenant was reasonably able to participate in that proceeding, I find that the Tenant's submission that a serious error exists in the April 5, 2023 order is not good cause to review the order.
7. The request to review seeks to revisit the hearing Member's decision. While the former Tenant clearly disagrees with the decision, the purpose of the review process is not to provide parties with an opportunity of relitigating the issues. I would not interfere with the assessment of the evidence by the hearing member, who had the opportunity of hearing the evidence in its totality.
8. Under these circumstances, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

**It is ordered that:**

1. The request to review order LTB-L-031796-22 issued on April 5, 2023 is denied. The order is confirmed and remains unchanged.

**April 17, 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.