



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

Citation: Toronto Community Housing Corporation v Ruttan, 2023 ONLTB 32338

Date: 2023-04-14

File Number: LTB-L-002875-23-RV

In the matter of: 2, 187 Beverley Street
Toronto Ontario M5T1Y9

Between: Toronto Community Housing Corporation Landlord

And

Christopher Ruttan Tenant

Review Order

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Christopher Ruttan (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in the order issued by the Board on June 30, 2021 with respect to application TSL-20594-21.

This matter was directed to hearing to clarify the alleged breach(es) and was resolved by order LTB-L-002875-23 dated April 5, 2023.

On April 11, 2023, the Landlord requested a review of the order.

A preliminary review of the Landlord's 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 Landlord was not reasonably able to participate in the proceeding.
2. In summary, the Landlord alleges that the order contains a serious error. The Landlord claims that the order states the Landlord was present but the Landlord never received a notice of hearing and the Landlord was present in the hearing room for another matter, not aware of this matter and not prompted to discuss this matter. The Landlord asserts that the "numbers in the order do not make sense and Tenant has no last months rent deposit on file and is owing much over \$4000.00 as stated in the order".
3. I have reviewed the record and listened to the hearing recording in its entirety.

4. With respect to the Landlord's allegation that the LTB failed to provide notice of hearing for this matter, I note the Board record shows a notice of hearing was mailed to the Landlord,

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addressed to Camille Abraham on March 2, 2023 with no indication that the mail was not received and returned to the LTB.

5. The hearing recording at 11:40 shows the presiding Member called the matter forward by file number and rental address, Camille Abraham (CA) identified herself and did not at any point question the matter before the Member.
6. The presiding Member stood the matter down to allow CA opportunity to submit further documentation and when the hearing resumed at 14:15, CA reviewed the details with the Member.
7. It appears from the record that the Landlord attended the hearing and reviewed all relevant details with the presiding Member. The Landlord was provided with every opportunity to make submissions on the matter before the Member. The Member's finding is based on the information collected at the hearing.
8. The request to review seeks to revisit the hearing Member's decision. While the Landlord clearly disagrees with the decision, the purpose of the review process is not to provide parties with an opportunity to relitigate the issues. I would not interfere with the assessment of evidence by the hearing Member, who has the opportunity of hearing the evidence in its totality.
9. Given all of the above, 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 Landlord not reasonably able to participate in the proceeding. As a result, the request for review must be denied.

It is ordered that:

1. The request to review order LTB-L-002875-23 issued on April 5, 2023 is denied. The order is confirmed and remains unchanged.

April 14, 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.