



**Tribunals Ontario**  
Landlord and Tenant Board

**Tribunaux décisionnels Ontario**  
Commission de la location immobilière

**Order under Section 21.2 of the Statutory Powers Procedure Act and the**

**Residential Tenancies Act,**

**2006**

**Citation:** Abrahams v De Vos, 2023 ONLTB 32315

**Date:** 2023-04-14

**File Number:** LTB-L-001423-23-RV2

**In the matter of:** Basement, 7A LLOYD GEORGE AVE ETOBICOKE  
ON M8W3W3

**Between:** Christine Liverance Landlords  
Jacob Luke Abrahams

**And**

Annesu De Vos Tenants Benjamin De Vos

**Review Order**

Christine Liverance and Jacob Luke Abrahams (the 'Landlords') applied for an order to terminate the tenancy and evict Annesu De Vos and Benjamin De Vos (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.

The Landlords also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard on March 6, 2023 resolved by order LTB-L-001423-23 issued on March 21, 2023.

On March 28, 2023, the Tenant's Guarantor Pierre Desvaux De Marigny requested a review of the order. On April 3, 2023 the request was dismissed as it was not filed by the Tenants or a person affected by the order.

On April 10, 2023 a second request to review was filed by the Tenant Benjamin Vos.

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

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**Determinations:**

1. I have listened to the March 6, 2023 hearing recording, and I 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 Benjamin De Vos was not reasonably able to participate in the proceedings.

2. The hearing recording and Board record shows that both Tenants attended the hearing and provided testimony. In particular, at approximately 2:17:50 of the hearing recording, the Tenant Benjamin Vos provided testimony regarding his circumstances and difficulty in securing alternate housing.
3. The Tenant's request also states that the Tenant Benjamin Vos has a speech impediment and that he did not know that he could request accommodation from the Board. While this may be true, the issue was not raised before the Member at the hearing and the hearing recording confirms that the Tenant's were able to present their case without any difficulty. Further, majority of the Tenant's evidence was presented by the Tenant Annesu De Vos who provided oral testimony that was accepted by the Member.
4. The review request alleges that the Member erred in the proceedings by not allowing the Tenant's an opportunity to present their evidence and have their Guarantor testify as a witness. I disagree with this allegation.
5. At no point during the hearing did the Tenants advise the Member that they had witnesses who were waiting to provide testimony. Further, the hearing recording shows that the Tenants were afforded a right to provide testimony as to why they believe the Landlord's father does not in good faith intend to reside in the rental unit. The Tenant Annesu De Vos was also provided the opportunity to cross-examine the Landlord on their testimony.
6. The Tenants did not provide enough specifics with respect to where and when in the hearing the Member limited their evidence. Even if they had, it is not a serious error for the Member to limit evidence and to only permit evidence that is relevant and not repetitious. In *Edwards v. Waham 2017 ONSC 2882*, the Court held "[O]ne of the clear statutory purposes of the Landlord and Tenant Board is to afford landlords and tenants access to adjudication in a timely, cost effective setting where matters are heard in a summary manner".

7. The Board has an obligation to adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter. This is set out in section 183 of the *Residential Tenancies Act, 2006* (the 'Act').

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8. Therefore, although the Tenants may have concerns respecting illegal rent increases or
9. disputes regarding the arrears of rent claimed on a separate Landlord application (L1), these issues do not relate to the current application that was before the Member or the test to determine whether the Landlord's parent in good faith required the rental unit for their own personal use.
10. Although the Tenants request submits there is a serious error in the procedure, what they appear to be seeking is a second hearing to present their case in the hope of a different outcome.
11. Although the Tenants clearly disagree with the March 21, 2023 Board order, the Board's review process is not an opportunity for a party to re-argue a matter that has been finally determined. In the absence of a demonstrable error in the March 21, 2023 order, or that a serious error occurred in the proceedings, the request to review the order must be denied.

**It is ordered that:**

1. The request to review order LTB-L-001423-23 issued on March 21, 2023 is denied. The order is confirmed and remains unchanged.

**April 14, 2023**

**Date Issued**

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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.