



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

Citation: Aggarwal v McNeil, 2023 ONLTB 30975

Date: 2023-04-06

File Number: LTB-L-031373-22-RV2

In the matter of: 1803, 3880 Duke of York Blvd
Mississauga Ontario L5B4M7

Between: Arun Aggarwal Landlord

And

Shane McNeil Tenant

Review Order

Arun Aggarwal (the 'Landlord') applied for an order to terminate the tenancy and evict Shane McNeil (the 'Tenant') because the Tenant did not pay the rent the Tenant owes (L1 application) and because the Tenant has been persistently late in paying the rent (L2 application).

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-031373-22, issued on September 27, 2022. The Board heard the Landlord's application by videoconference on August 8, 2022. The Tenant did not attend the hearing.

On November 3, 2022, the Tenant requested a review of the order and that the order be stayed until the Tenant's request was resolved. The Tenant's request for review alleged that the Tenant was not reasonably able to participate in the hearing on August 8, 2022.

On November 7, 2022, the Tenant's request for review was denied by way of order LTB-L-031373-22-RV.

On April 3, 2023, the Tenant filed a second request for review alleging a serious error in the proceedings.

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

Determinations:

1. As stated above, this is the Tenant's second request to review the same order. Rule 26.18 of the Board's Rules of Procedure states:

26.18 The LTB will not consider a further request to review the same order or to review the review order from the same requesting party.

2. Accordingly, the Tenant's request to review the review order is denied pursuant to the Board's Rule 26.18.
3. Even had the Tenant's request been considered, it would have still been denied as I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.
4. The Tenant's second request for review alleges that after the order was issued on September 27, 2022, that the parties had reached an agreement in which the Landlord would not file the order with the Court Enforcement Office (Sheriff) providing that the Tenant pay his arrears in full and continue to pay rent on time thereafter. The Tenant alleges that despite this side agreement, the Landlord has still filed the order with the Sheriff. The Tenant alleges that this is an abuse of the Board's process.
5. The order issued by the Board terminates the tenancy on a non-remedial (final) basis pursuant to the L2 application. The order contains no voiding provision where the Tenant could have continued the tenancy by paying his arrears in full. As such, the Landlord is entitled to file the order with the Sheriff as directed by the Board's order. Further, section 81 of the Act provides that the Landlord has up to six months to file the order with the Sheriff for enforcement. Based on the Tenant's own submissions, the order was still enforceable at the time of filing with the Sheriff.
6. Although the parties may have reached a side agreement, I do not find that this cancels a valid order from the Board. The Tenant's request for review also does not identify any errors in the order issued on September 27, 2022.

2023 ONLTB 30975 (CanLII)

It is ordered that:

1. The second request to review order LTB-L-031373-22, issued on September 27, 2022 is denied. The order is confirmed and remains unchanged.

April 6, 2023

Date Issued

Fabio Quattrociochi

Member, Landlord and Tenant Board

15 Grosvenor Street, 1st 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.