



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

**Citation:** Enterprise REIT Operating LP v Gonzales, 2023 ONLTB 30752

**Date:** 2023-04-04 **File Number:**  
LTB-L-003912-23-RV

**In the matter of:** 301, 255 BOLD ST  
HAMILTON ON L8P1W1

**Between:** Enterprise REIT Operating LP Landlord

**And**

Derron Gonzales Tenant

### Review Order

Enterprise REIT Operating LP (the 'Landlord') applied for an order to terminate the tenancy and evict Derron Gonzales (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on November 30, 2021 with respect to application SOL-19606-21RV.

This application was resolved by ex parte eviction order LTB-L-003912-23, issued on March 24, 2023.

On April 3, 2023, the Tenant requested a review of the order.

A preliminary review of the 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.
2. The Tenant does not dispute that the March 24, 2023 ex parte order is correct. The Tenant did not pay rent to the Landlord on or before January 1, 2023. The Tenant seeks to set aside the ex parte order based on other circumstances, including the Tenant's submission that he has paid the full amount owing to the Landlord.
3. Although the Tenant submits it is unfair in the circumstances to terminate the tenancy, in the absence of a serious error, the Tenant's request to review the March 24, 2023 ex parte eviction order must be denied.

4. The Tenant may have confused the Board's review process with the set aside motion procedure described in section 78 of the *Residential Tenancies Act, 2006* (the 'Act'). Subsection 78(9) of the Act, for example, allows a tenant to file a motion to set aside an ex

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parte order. A tenant is required to file a motion within 10 days after the ex parte order is issued. A tenant may, however, ask the Board to extend time to file a set aside motion.

**It is ordered that:**

1. The request to review ex parte order LTB-L-003912-23, issued on March 24, 2023, is denied. The order is confirmed and remains unchanged.

**April 4, 2023**

Harry Cho

**Date Issued**

Vice Chair, 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.

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