



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

**Citation:** MEDALLION CORPORATION v KANG, 2023 ONLTB 28752

**Date:** 2023-03-28

**File Number:** LTB-L-049356-22-RV

**In the matter of:** 4205, 561 SHERBOURNE STREET  
TORONTO ON M4X0A1

**Between:** MEDALLION CORPORATION Landlord

**And**

SHILPREET SINGH KANG Tenant

### Review Order

MEDALLION CORPORATION (the 'Landlord') applied for an order to terminate the tenancy and evict SHILPREET SINGH KANG (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-049356-22 issued on February 10, 2023

On March 13, 2023, the Landlord 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 there is a serious error in the order or that a serious error occurred in the proceedings.
2. The Landlord claims the member seriously erred in paragraph 2 of the Order by limiting the amount the Tenant need to pay in order to void the order to \$35,000.00, as opposed to the calculated arrears amount of \$42,978.50. In this regard, it appears the member was attentive to the Board's monetary jurisdiction under section 207 of the Residential Tenancies Act, 2006 (the "Act") which limits the Board's monetary jurisdiction to \$35,000.
3. The Landlord's review request draws a distinction between an order to pay when a tenancy is terminated - which the Landlord admits is subject to the Board's monetary jurisdiction - and an order for payment under section 74(4) of the Act which provides, among other things, that an eviction order is void if the Tenant pays "*the amount of rent that is in arrears*".
4. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a different, or more favourable outcome. Moreover, a request will not be granted simply because a review adjudicator might have come to a different conclusion



on the evidence. Given the wording of section 207 of the Act, and the lack of binding case law to show the member erred in limiting the voiding provision to \$35,000.00, in the circumstances I find the member's decision thus falls in the range of reasonable outcomes. The Landlord's review request must therefore be denied.

**It is ordered that:**

1. The request to review order LTB-L-049356-22 issued on February 10, 2023 is denied.
2. The order is confirmed and remains unchanged.

**March 28, 2023**  
**Date Issued**

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Peter Nicholson  
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.