



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

Citation: HAVCARE INVESTMENTS INC. v Nawezi, 2023 ONLTB 28760

Date: 2023-03-24

File Number: LTB-L-012663-22-RV

In the matter of: 619, 500 DAWES RD
EAST YORK ON M4B2G1

Between: HAVCARE INVESTMENTS INC. Landlord

And

Antoinette Nawezi Tenant
Russi Natali Salehe

Review Order

HAVCARE INVESTMENTS INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Antoinette Nawezi and Russi Natali Salehe (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-012663-22 issued on March 10, 2023.

On March 23, 2023, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

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

Determinations:

1. The Tenants believe the order contains a serious error. The Tenants submit that they paid \$6,000.00 to the Landlord by way of a bank draft, dated December 6, 2022. A copy of the bank draft is submitted along with the request.
2. 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.
3. The amount of arrears in the March 10, 2023 order is based on the information and evidence that was presented at the hearing on September 12, 2022. Therefore, it is not a serious error for the order not to account for the \$6,000.00 payment made on December 6, 2022 as this was not before the hearing member.
4. The order terminates the tenancy on March 21, 2023. The Tenant says that she received the order on March 16, 2023 which does not provide the Tenant enough time to vacate. The hearing member's decision to deny further relief from eviction is a reasonable exercise of discretion that falls within a range of reasonable outcomes. Considering the 6-month



delay from the hearing date to when the order was issued, the Tenants have had reasonable time to vacate the rental unit. Accordingly, the decision to deny further relief from eviction shall not be interfered with.

5. It is pertinent to note that the Tenants may void the eviction order by paying all the arrears owing and reaching a zero balance before the order is enforced. The Tenants are encouraged to seek legal advice in this regard.

It is ordered that:

1. The request to review order LTB-L-012663-22, issued on March 10, 2023, is denied.
2. The order is confirmed and remains unchanged.

March 24, 2023
Date Issued

Khalid Akram

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.