



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

Citation: Shropshire v Morozova, 2023 ONLTB 26251

Date: 2023-03-20 **File Number:**
LTB-T-061662-22-RV

In the matter of: 179 CLARA CRES
LONDON ON N6E3H1

Between: William Ross Shropshire Tenant

And

Anastasiia Morozova Landlord

Review Order

William Ross Shropshire (the 'Tenant') applied for an order determining that Anastasiia Morozova (the 'Landlord'):

- entered the rental unit illegally;
- altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenant replacement keys.

This application was resolved by order LTB-T-061662-22 issued on January 9, 2023.

On February 8, 2023, the requested a review of the order.

The request was heard in by videoconference on March 6, 2023. The Tenant, and The Landlord, represented by Nathan Korenberg, attended the hearing. Also in attendance as witness for the Tenant was Skylar Hutter who testified at the hearing.

Determinations:

1. I find the Landlord was not reasonably able to participate at the hearing held on November 24, 2022.
2. The Landlord argues that the Act does not apply.
3. The evidence provided by the Landlord to support this position were two letters from residents in the home. One of the letters referred to the Landlord living in the home since he moved into the residence. The second letter states that the Landlord was living in the basement since June 5, 2021. Neither of these authors were in attendance to answer questions.



4. The Landlord was also requested to provide a copy of a Driver's Licence. This evidence shows that the Licence was obtained in August 2021, after the Landlord purchased the home in March 2021, and the address on the licence is the same as the rental home.
5. A letter from the Landlord to the Tenants states that the Landlord will be moving into the home and occupying the basement effective May 12, 2022. This was after the Tenant moved into the home. The letter from the Landlord to the Tenants contradicts the letter from the Tenant who wrote that the Landlord was living in the basement since June 5, 2021, as well as contradicting the Landlord's testimony that the basement was being renovated until she moved into the basement. The Landlord claims she was living in other rooms in the house before that date.
6. Mr. Hutter provided direct testimony that he moved into the home in February 2022 and the Landlord never lived in the home. He testified that the Landlord was moving frequently between Cambridge, Ontario, where her boyfriend lives, and the home while the renovations were being completed.
7. Based on the direct testimony from Mr. Hutter, the fact the Landlord's own evidence contradicts that of the letter of support from one of the other residents, and the fact the Landlord's own letter to the Tenants states that she would be moving into the home after the Tenant moved in, I find the Landlord did not reside in the home at the time the Tenant moved into the home.
8. A landlord cannot move into a rental complex after a tenancy commences, and then claim that a tenant is then required to share a kitchen or a bath, and claim the Act does not apply. I find the Act applies.
9. The Landlord's representative made submissions about the remedies ordered by the Board in order LTB-T-061662-22. I find the amount ordered for illegal entries to be unreasonable under the circumstances. The Board ordered the Landlord to pay \$1,000.00 for each of two entries, yet also ordered general damages for an illegal eviction, which was the second entry. In this case, the second entry was to enforce the illegal eviction which the Board has compensated the Tenant \$2,500.00 for the Landlord's actions.
10. The Landlord's representative also argued that the awarded to the Tenant \$1,450.00 to replace property disposed of by the Landlord was unreasonable as the Tenant had no evidence of the value of his property. Considering the fact that the Tenant was illegally evicted, and the property was disposed of, I find the amount awarded to be reasonable as the Tenant could not reasonably have proof of the value of his belongings and the amount seems fitting to the value of personal effects.

It is ordered that:

1. The request to review order LTB-T-061662-22 issued on January 9, 2023 is granted. The order is amended to reduce the amount owing for illegal entry from \$2,000.00 to \$1,000.00. As a result, the Landlord owes the Tenant \$4,998.00.
2. The interim order issued on February 8, 2023 is cancelled. The stay of order LTB-T061662-22 is lifted immediately.



March 20, 2023

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

Greg Joy

Member, Landlord and Tenant Board

Date Issued

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.