



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

Citation: Sharif v Shreve, 2023 ONLTB 27344
Date: 2023-03-17 **File Number:**
LTB-L-041163-22-RV

In the matter of: Side unit, 29 Agincourt Drive
Scarborough Ontario M1S1M5

Between: Bushra Sharif Landlord
Sonia Sharif

And

Bradley Shreve Tenant

Review Order

Bushra Sharif and Sonia Sharif (the 'Landlord') applied for an order to terminate the tenancy and evict Bradley Shreve (the 'Tenant') because the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-041163-22 issued on February 21, 2023.

On March 14, 2023, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant submits there is a serious error in the order or the proceedings and that the Tenant was not reasonably able to participate in the proceedings. For the reasons below, the Tenant's review request is denied.
2. By way of background, order LTB-L-041163-22 issued on February 21, 2023 (the "**Order**") grants the Landlord's application on the basis the Landlord in good faith requires the rental unit for their child to occupy for the purpose of residential occupation.
3. Paragraph 13 of the Order stipulates the Tenant did not challenge the "good faith" requirement of the Landlord's application at the hearing. The Tenant was represented at the hearing and in the review request, the Tenant additionally acknowledges that "*good faith*



was not contested". The Tenant, however, states it was his intention to contest the good faith requirement and that his representative omitted to do so. Accordingly, the review request asserts the representative's failure to contest the good faith requirement constituted a serious error. While it is clear the Tenant is not pleased with the outcome and the position undertaken on the Tenant's behalf at the proceeding, I disagree there was serious error in the order or the proceedings. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better or different outcome. Here, the order shows the presiding member was attentive to the evidence adduced at the hearing and the decision rendered was rationally connected to the evidence before the member. Furthermore, the recording shows the Tenant attended the hearing and was able to participate fully in the hearing by introducing evidence and responding to his representative's - and the presiding member's - questions.

4. The Tenant's review request additionally notes that a termination date of mid-March 2023 provides insufficient time to find alternative accommodations. At the hearing the Tenant indicated he was willing to move out "*as soon as possible*". Furthermore, in closing submissions, the recording shows at 2:51:40 that the Tenant's representative requested until the end of December 2022 for the Tenant to find alternative accommodations. Upon consideration of the parties' circumstances and the date of issuance of the order, the member awarded a termination date that was, in fact, later than the Tenant's proposed termination date at the hearing. While I am sympathetic to the Tenant's noted health challenges in the review request, the order shows the adjudicator's exercise of discretion under section 83 of the Act was grounded on the evidence and submissions presented at the hearing, and the exercise was not capricious or otherwise improper.
5. Since the Tenant did not demonstrate that a serious error exists in the February 21, 2023 order, or that a serious error occurred at the hearing, the request to review the order must be denied.

It is ordered that:

1. The request to review order LTB-L-041163-22 issued on February 21, 2023 is denied.
2. The order is confirmed and remains unchanged.

March 17, 2023

Date Issued

Peter Nicholson

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor Toronto
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.