



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

**Citation:** Qazi v Luckie, 2023 ONLTB 26064

**Date:** 2023-03-17 **File Number:**  
LTB-L-028380-22-RV

**In the matter of:** LOWER UNIT, 316 EGERTON  
LONDON ON N5Z2G7

**Between:** Sultaan Qazi Landlord

**And**

Ashley Gregory Tenant  
Melissa Luckie

### Review Order

Sultaan Qazi (the 'Landlord') applied for an order to terminate the tenancy and evict Ashley Gregory and Melissa Luckie (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-028380-22 issued on January 27, 2023.

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

The request was heard in by videoconference on March 6, 2023. The Landlord, represented by Dean Qureshi, and the Tenant Melissa Luckie, assisted by the legal clinic, attended the hearing.

### Preliminary Matters:

The Tenant requested an adjournment claiming she was not aware of the hearing until the Friday before the Monday scheduled hearing. The Board's records show, and the Landlord's representative showed on his email, that the Tenant's legal representative received the notice of hearing which was sent by the Board on February 9, 2023, some four weeks before the hearing. It is also noted that it was the Tenant's legal representative who filed the request to review with the Board. It is also noted that has not paid rent for 15 months and currently owes the Landlord \$19,536.00. Considering all these facts, the request to adjourn was denied.

### Determinations:



1. The Tenant claims she was not reasonably able to participate at the hearing on January 18, 2023.
2. At this hearing the Tenant made submissions about what she believes are breaches of the Landlord's obligations under the *Residential Tenancies Act*. As there was no disclosure of these issue as required under Rule 19.4 to proceed under section 82 of the Act, the issues were considered under section 83 regarding relief from eviction.
3. The Tenant testified there is mould, an issue with the drain of the washing machine, an issue with pest control (specifically rats), exposed electrical wiring, an issue with eavestroughs, and old windows. The Tenant had no evidence apart from her testimony to support the allegations. In the 15 months since the Tenants stopped paying rent, the Tenants have not filed an application with the Board.
4. The Landlord purchased the property in 2020 and introduced correspondence from the City of London property standards officer, showing that the Landlord has complied with the required repairs. The sole outstanding issue is related to interior of the basement which cannot be dealt with during the winter. There were photographs of new windows that have been installed and invoices covering more than 12 months for the ongoing pest control measures the Landlord has contracted.
5. It was noted at the hearing that the issues are related to the basement of the home where the washer and dryer are kept, and that this area is not considered a living space. It was also noted that the Tenant has not communicated with the Landlord.
6. I find the Landlord is not in serious breach of maintenance obligations.
7. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.

**It is ordered that:**

1. The request to review order LTB-L-028380-22 issued on January 27, 2023 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 9, 2023 is cancelled. The stay of order LTB-L028380-22 is lifted immediately.

**March 17, 2023**

**Date Issued**

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Greg Joy

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.

