



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

Citation: GOLF INN (2769685 Ontario Inc) v Diplock, 2023 ONLTB 25993

Date: 2023-03-10 **File Number:**
LTB-L-061532-22-RV

In the matter of: Upper Unit, 13071 Lundy's Lane Thorold
ON L2E6S4

Between: Abhay Mathur Landlord
Danyal Moledina
GOLF INN (2769685 Ontario Inc)

And

Ashante Diplock Tenant

Review Order

On March 8, 2023, Ashante Diplock (the 'Tenant') requested that interim order LTB-L-061532-22IN, issued on February 8, 2023 be reviewed on the basis it contains a serious error and that the order be stayed until the request to review the order is resolved.

Determinations:

1. The Tenant submits in the review request that interim order LTB-L-061532-22-IN, issued on February 8, 2023 (the "Interim Order"), contains a serious error.
2. By way of background, the Landlord filed a combined L1/L2 Application. The Interim Order addresses a preliminary issue raised by the Tenant regarding "possession" of the rental unit, and in addition, contains a consent to terminate tenancy and a consent to combine the Landlord's rent arrears application with the Tenant's T2 and T6 applications. The Landlord's rent arrears application and the Tenant's applications were adjourned to be heard by a date set by the Board.
3. It is the Tenant's submission that the Interim Order contains a serious error due to a purported preliminary issue raised by the Tenant regarding lack of compensation being provided to the Tenant following service of a Form N13 notice of termination. The Tenant claims the L2 Application was "not perfected" due to a lack of compensation and states the Tenant should not be forced "to file a T1 or T5".



4. The Tenant’s request to review the Interim Order must be denied. Section 26.1 of the Board’s Rules of Procedure provides that a party may only request a review of an order which makes a final determination of a party’s rights. Here, as acknowledged in the review request itself, the member has not made a final determination concerning the compensation issue raised in the review request. While the interim order does terminate the tenancy, the

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Landlord had filed a L1 Application seeking termination of the tenancy and accordingly, the member properly exercised jurisdiction to receive a consent to terminate tenancy from the parties and make such an order. Because the Tenant’s request to review does not show that a serious error exists in respect of a final order, or order making a final determination of rights, the request to review the Interim Order must be denied.

It is ordered that:

1. The request to review order LTB-L-061532-22-IN issued on February 8, 2023 is denied.
2. The order is confirmed and remains unchanged.

March 10, 2023

Date Issued

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.



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