



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

Citation: Kingston & Frontenac Housing Corporation v Blackstock, 2023 ONLTB 24852

Date: 2023-03-03

File Number: LTB-L-019056-22-RV2

In the matter of: E5, 375 PATRICK ST
KINGSTON ON K7K6Z8

Between: Kingston & Frontenac Housing Corporation Landlord

And

Jahbari Blackstock Tenant
Marissa Rockwood

Review Order

Kingston & Frontenac Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Jahbari Blackstock and Marissa Rockwood (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-019056-22, issued on November 9, 2022.

On December 8, 2022, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved (1st Review Request).

On December 9, 2022, interim order LTB-L-019056-22-RV-IN was issued, staying the order issued on November 9, 2022.

The request to review was resolved by order LTB-L-019056-22-RV, issued on January 18, 2023.

On February 24, 2023, the Tenants requested a review of the January 18, 2023 review order and that the order be stayed until the request to review the order is resolved (2nd Review Request).

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

Determinations:

1. The Tenants allege there is a serious error in the review order issued January 18, 2023.
2. For the reasons below, the Tenants' request to review is denied.
3. This is a review of a review order from the same requesting party.



4. Pursuant to Rule 26.18 of the LTB's Rules of Procedure, the LTB will not consider a further request to review the same order or to review the review order from the same requesting party.
5. While the Tenants request the LTB waive Rule 26.18 pursuant to Rule A4.2, I do not find that the circumstances of this case justify waiver of the rule.
6. The Tenants submit Rule 26.18 should be waived because the first time they were able to raise the serious error argument with respect to the validity of the N4 notice (which is also the subject of the Tenants' 2nd Review Request) was at the review hearing on January 5, 2023. I disagree.
7. The reviewing member determined that the Tenants were reasonably able to participate at the original hearing on October 24, 2023. The Tenants do not take issue with this determination in their 2nd Review Request. Consequently, the first time the Tenants could have raised the argument with respect to the validity of the N4 notice was at the original hearing on October 24, 2022 had they attended, not at the review hearing.
8. As stated by the Court in *Q Res IV Operating CP Inc. v. Berezovs'ka*, 2017 ONSC 5541 at paragraph 8, "[i]f parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely cost-effective and final orders".
9. The Tenants also submit that Rule 26.18 should be waived because the issue raised is a matter of public interest. Specifically, the Tenants submit that if the review decision is left without further consideration on a review, it would amount to a precedent which other LTB members will rely on. I disagree.
10. Prior LTB decisions are not binding upon LTB members even if they are based on similar facts. They only hold persuasive value. LTB members are independent decision makers tasked with adjudicating disputes under the RTA based on the evidence and circumstances of each case. Therefore, I am not satisfied that this reason advanced by the Tenants warrants a waiver of Rule 26.18.
11. I also note that the Tenants' 2nd Review Request seeks to re-litigate the very same issue that was argued and decided in the 1st Review Request. While the Tenants clearly disagree with the decision, the purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better outcome.
12. For the reasons above, the Tenants' request to review must be denied.

It is ordered that:

1. The request to review order LTB-L-019056-22-RV, issued on January 18, 2023, is denied.
2. The order is confirmed and remains unchanged.

March 3, 2023
Date Issued

Khalid Akram
Member, Landlord and Tenant Board



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