



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

**Citation:** SEDUN v DEVENNE, 2023 ONLTB 22016

**Date:** 2023-02-17

**File Number:** LTB-L-076434-22-RV

**In the matter of:** LOWER DUPLEX, 154 INDIAN ROAD  
TORONTO ON M6R2V8

**Between:** LEONARD SEDUN Landlord

**And**

SUZANNE DEVENNE Tenant

### Review Order

LEONARD SEDUN (the 'Landlord') applied for an order requiring SUZANNE DEVENNE (the 'Tenant') to pay the rent that the Tenant owes.

This application was resolved by order LTB-L-076434-22, issued on January 9, 2023.

On February 8, 2023, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

### Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings or that the Tenant was not reasonably able to participate in the proceeding.
2. The Tenant submits that she was not allowed to provide evidence at the hearing. Having listened to the entire hearing recording, I disagree. Over 1.5 hours of hearing time was dedicated to hearing the Tenant's evidence with respect to pictures, videos, documents, and bank records disclosed by the Tenant. The order refers to evidence provided by the Tenant.
3. The hearing member reviews the evidence provided by the Tenant and determines they don't relate to the rental period at issue in the application. This is confirmed at 1:22 hrs on recording, 1:54 hrs on recording, 2:24 hrs on recording, 2:53 hrs on recording, and paragraph 13 of the order. The hearing member displayed great patience, restraint, and professionalism in attempting to extract relevant information from the Tenant throughout the hearing. At various points in the recording, the hearing member asks the Tenant to point him to relevant payments for the rental period at issue in the Landlord's application. The Tenant did not.

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4. The determinations and reasons in the order are supported by the evidence adduced at the hearing. The order provides clear and understandable reasons explaining why the hearing member preferred the Landlord's evidence over the Tenant's, with respect to the arrears owed. The hearing member did not err by relying on certain findings of facts made by the Divisional Court with respect to the same tenancy. The order is therefore an adequate order.
5. The Tenant also submits that every time she tried to interject or guide the hearing member through her evidence, she was reprimanded, told to be quiet, or would be fined. In my view, the hearing member did not reprimand the Tenant. Rather, the hearing member reasonably exercised his authority to control the proceedings by directing the Tenant to refrain from using abusive/profane language, interrupting and speaking out of turn. This is not a serious error or discrimination. Despite multiple warnings and threats of costs, the Tenant continued to disregard the hearing member's directions. As indicated above, the hearing member displayed patience, restraint and professionalism in adjudicating the matter.
6. The hearing record and the January 9, 2023 order shows that the Tenant was afforded – and exercised – an adequate opportunity to address the issues raised in the application. The record indicates the Tenant was able to lead evidence and introduce submissions during the proceeding. The order recites some of the Tenant's evidence and submissions. The Tenant was therefore afforded procedural fairness and a reasonable opportunity to participate in the proceedings and be heard.

**It is ordered that:**

1. The request to review order LTB-L-076434-22, issued on January 9, 2023, is denied.
2. The order is confirmed and remains unchanged.

**February 17, 2023**  
**Date Issued**

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Khalid Akram  
Member, Landlord and Tenant Board

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