



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

Citation: Boyko v Yzieri, 2023 ONLTB 20091

Date: 2023-02-07

File Number: LTB-T-074737-22-RV

In the matter of: 1, 231 Greenwood Avenue
London ON N6J3G5

Between: Bonnie Boyko Tenant

And

Sali Yzieri Landlord

Review Order

Bonnie Boyko (the 'Tenant') applied for an order determining that that the Landlord gave a notice of termination for his mother's residential occupation of the rental unit in bad faith.

This application was resolved by order LTB-T-074737-22, issued on January 4, 2023. The January 4, 2023 order dismissed the Tenant's application.

On February 3, 2023, the Tenant the requested a review of the order.

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

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.
2. The Tenant disagrees with the presiding adjudicator's finding. The Tenant submits that that the adjudicator erred when he determined that the Landlord's explanation for the delay in having his mother occupy and reside at the rental unit was reasonable in the circumstances.
3. The presiding adjudicator recites in detail the Landlord's evidence – including the Landlord's testimony and the Landlord's mother's testimony – of intervening events, such as the COVID-19 pandemic and restrictions on international travel, that prevented his mother from taking possession of the rental unit after the Tenant vacated on September 22, 2020. The order therefore shows that there was sufficient evidence for the adjudicator to make his finding that the delay was reasonable, and not evidence that the Landlord gave the notice of termination in bad faith.
4. Although the Tenant disagrees, the presiding adjudicator was in the best position to admit and consider the parties' evidence. Since it is apparent from the January 4, 2023 order



that the adjudicator's finding is rationally connected to the parties' evidence, I find that the adjudicator's determinations are not capricious and are entitled to deference.

5. The Tenant's request to review the January 4, 2023 order must accordingly be denied.

It is ordered that:

1. The request to review order LTB-T-074737-22, issued on January 4, 2023, is denied. The order is confirmed and remains unchanged.

February 7, 2023

Date Issued

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

Harry Cho

Member, Landlord and Tenant Board

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