



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

Citation: Mooney v Frey, 2023 ONLTB 18595

Date: 2023-02-01

File Number: LTB-L-000367-23-RV

In the matter of: 1, 94 Sunnylea Cres
Guelph Ontario N1E1W6

Between: George Mooney Landlord

And

Janita Frey Tenant

Review Order

George Mooney (the 'Landlord') applied for an order to terminate the tenancy and evict Janita Frey (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was resolved by order LTB-L-000367-23 issued on January 19, 2023.

On January 31, 2023, Janita Frey (the 'Tenant') requested a review of the order.

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

Determinations:

1. The Tenant's request is based on the ground of being not reasonably able to participate in the proceedings. 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 order under review was an order issued pursuant to s.77 of the *Residential Tenancies Act, 2006* (the 'Act'). It was properly an *ex parte* order. *Ex parte* orders are issued without notice to, or participation by, the other party. The Tenant has no legal right to participate in the proceedings that resulted in the *ex parte* order, and therefore, I cannot find that the Tenant was not reasonably able to participate in the proceedings.
3. In the review request, the Tenant appears to seek discretionary relief from eviction. If the Tenant wishes to seek relief from eviction, the Tenant will have to file a motion to set aside the *ex parte* order (in addition to a new request to extend or shorten time), not a review request.
4. Since the request does not identify any error in the order, the review will be denied



It is ordered that:

1. The request to review order LTB-L-000367-23 issued on January 19, 2023, is denied.
2. The order is confirmed and remains unchanged.

February 1, 2023
Date Issued

Peter Nicholson
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.