



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

Citation: Regsuren v Pagliero, 2023 ONLTB 15351

Date: 2023-01-12

File Number: LTB-L-074641-22-RV

In the matter of: 45 Tinti Place
Vaughan ON L4J5B2

Between: Batkhuu Regsuren Landlord

And

Robert Ulises Pagliero Tenant

Review Order

Batkhuu Regsuren (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Ulises Pagliero (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was resolved by order LTB-L-074641-22 issued on December 9, 2022.

On January 9, 2023, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant submits that they were not reasonably able to participate at the hearing and that there is a serious error in the order or procedure.
2. 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.
3. Order LTB-L-074641-22 is an *ex-parte* order made pursuant to subsection 77(1) of the *Residential Tenancies Act, 2006* (the 'RTA') which allows the application to be made without notice to the Tenant. There was no hearing was held in which the Tenant was entitled to participate.
4. Additionally, the order is issued based solely on the pleadings in the L3 application, the N11 agreement and supporting affidavit that were filed as part of the application. Therefore, there is no serious error in the order.
5. As the Tenant was not entitled to participate and as the order correctly relies on the pleadings in the L3 application and supporting affidavit, the request to review must be denied.



6. While the Tenant takes issues with the N11 and alleges bad faith on the Landlord's part, these issues may be relevant considerations on a tenant's Motion to Set Aside an Ex Parte Order (Form S2). The record reflects that the Tenant has also filed has S2 motion which is scheduled to be heard on January 30, 2023. The Tenant may make submissions with respect to the validity of the N11 and the bad faith allegations at the hearing of the motion.

It is ordered that:

1. The request to review order LTB-L-074641-22, issued on December 9, 2022, is denied.
2. The order is confirmed and remains unchanged.

January 12, 2023
Date Issued

Khalid Akram
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.