



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

Citation: Afhail v Arulrajah, 2023 ONLTB 15242

Date: 2023-01-11

File Number: LTB-T-078063-22-RV

In the matter of: 1, 329 Cook Road
Toronto ON M3J3T2

Between: Ayad Afhail Tenant

And

Adrian Arulrajah Landlord

Review Order

Ayad Afhail (the 'Tenant') applied for an order determining that Adrian Arulrajah (the 'Landlord') has collected or retained money illegally.

This application was resolved by order LTB-T-078063-22, issued on December 19, 2022.

On January 9, 2023, the Landlord 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. Although the Landlord disagrees with the presiding adjudicator's finding – that the Landlord was aware as of May 3, 2019 that the Tenant had vacated the rental unit – the December 19, 2022 order shows that there was sufficient evidence for the presiding adjudicator to reasonably arrive at that conclusion. The adjudicator cites an email message from the Tenant's uncle to the Landlord, dated May 3, 2019, to explain his finding of fact.
3. Since there was evidence for the presiding adjudicator to reasonably find that the Landlord was aware on May 3, 2019 that the Tenant had vacated the rental unit, the finding is entitled to deference.
4. The Board's review process is not an opportunity for a party to re-argue an application that has been finally determined. The arguments the Landlord seeks to lead in the review request were, or should have been, led at the original hearing, and the arguments do not represent good cause to review the December 19, 2022 order. As the Landlord has not demonstrated that a serious error may exist in the order, or that a serious error may have occurred in the proceedings, the request to review the order must be denied.



It is ordered that:

1. The request to review order LTB-T-078063-22, issued on December 19, 2022, is denied. The order is confirmed and remains unchanged.

January 11, 2023

Date Issued

Harry Cho

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.