



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

Citation: Li v Mckay, 2022 ONLTB 14660

Date: 2022-12-29

File Number: LTB-L-001974-22-RV

In the matter of: THE 3RD FL., 888 BLOOR ST W
TORONTO ON M6G1M5

Between: Jin Zhu Li Landlord

And

Melissa McKay Tenant

Review Order

Jin Zhu Li (the 'Landlord') applied for an order to terminate the tenancy and evict Melissa McKay (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-001974-22 issued on December 20, 2022.

On December 24, 2022, the Tenant requested a review of the order, alleging that the order contains a serious error.

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

Determinations:

1. After the hearing held on December 12, 2022, the hearing Member issued a voidable standard termination order.
2. The Tenant requests a review alleging that the order contains a serious error. She alleges that the hearing Member failed to make a correct calculation of the arrears owing. In particular, she alleges that the Member failed to deduct the amounts paid by her since the application was filed.
3. I find that the Tenant has failed to allege anything that constitutes a serious error for the reasons that follow.
4. The hearing Member did, in fact, deduct all the amounts paid by the Tenant, and that is evident in the Summary of Calculations on pages 4 and 5 of the hearing order. As seen in the summary of calculations, the hearing Member deducted payments by the Tenant totalling \$3,200.00 rather than \$2,600.00 as stated in the Landlord's L1/L9 update. This is, presumably, because the Tenant may have made a further payment after completion of



the L1/L9 update submitted on December 5, 2022, and the hearing date, as the Tenant alleges. Any further amounts paid after the hearing date must be credited by the Landlord towards the Tenant's arrears.

5. Consequently, 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.

It is ordered that:

1. The request to review order LTB-L-001974-22 issued on December 20, 2022, is denied. The order is confirmed and remains unchanged.

December 29, 2022
Date Issued

Nancy Morris
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.