



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

**Citation:** Azarakhsh v Seguin, 2022 ONLTB 14598

**Date:** 2022-12-23

**File Number:** LTB-L-030260-22-RV

**In the matter of:** 101, 1099 MERIVALE RD  
OTTAWA ON K1Z6A9

**Between:** Elysee Azarakhsh Landlord

**And**

Daniel Seguin Tenant

### Review Order

Elysee Azarakhsh (the 'Landlord') applied for an order to terminate the tenancy and evict Daniel Seguin (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-030260-22 issued on November 18, 2022.

On November 22, 2022, the Landlord requested a review of the order.

On November 30, 2022, interim order LTB-L-030260-22-RV-IN was issued.

This review was heard by videoconference on December 20, 2022.

Only the Landlord and her son attended the hearing.

### Determinations:

#### *Review Hearing:*

1. The Landlord, Elysee Azarakhsh submitted that a serious error exists in the order that occurred at the October 24, 2022 hearing and requested a review of the order issued November 18, 2022.
2. At the review hearing, the Landlord submitted that the presiding Member erred when he dismissed the L1 application as a result of basing his calculations on four years of rent payments rather than five years of rent payments and that there was actually no discrepancy in the total amount of rent arrears.
3. The Landlord submitted that she felt rushed and flustered at the hearing and was unable to explain to the Member how she arrived at her calculations.



4. As the recording for this matter was unavailable, I was unable to determine what occurred during the proceeding. Upon comparing the N4 notice of termination and the L1 application, the period of time that was alleged to be regarding rent arrears was not four years, rather it was 4 years, 11 months.
5. In my opinion, there was no discrepancy in the alleged arrears amount between the N4 notice of termination and the L1 application. The alleged amounts owing are identical. I therefore granted the Landlord's request for a review. A hearing of the Landlord's L1 application proceeded de novo (anew).

*L1 Application – Preliminary Matter:*

6. Prior to the commencement of the hearing, I raised a preliminary issue regarding the N4 notice of termination that was served on the Tenant. After discussing the issue with her son, the Landlord requested the consent of the Board to withdraw her application.
7. In accordance with subsection 200(4) of the *Act*, I consent to the withdrawal of the application.

**It is ordered that:**

1. The request to review order LTB-L-030260-22 issued on November 18, 2022 is granted.
2. Order LTB-L-030260-22 issued on November 18, 2022 is cancelled and replaced by the following.
3. The Landlord's L1 application is dismissed as withdrawn.

**December 23, 2022**  
**Date Issued**

\_\_\_\_\_  
Heather Chapple  
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.