



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

**Citation:** DAVE v MAGADIA, 2022 ONLTB 14519

**Date:** 2022-12-19

**File Number:** LTB-L-064825-22-RV

**In the matter of:** 111, 200 LAGERFELD DRIVE  
BRAMPTON ONTARIO L7A0H8

**Between:** JIGNESH DAVE Landlords  
NILAYBHAI SHAH

**And**

MONTEZA MAGADIA Tenant

### Review Order

Jignesh Dave and Nilaybhai Shah (the 'Landlords') applied for an order to terminate the tenancy and evict Monteza Magadia (the 'Tenant') because the Tenant entered into an agreement to terminate the tenancy.

This application was resolved by order LTB-L-064825-22 issued on December 7, 2022.

On December 14, 2022, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

A preliminary review of the request was conducted 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. The Tenant submits they have no knowledge of procedures, their responsibilities, and rights. This does not amount to a serious error in the order or procedure. The Notice of Hearing sent to the Tenant provides information on getting representation or legal assistance through local legal clinics or Tenant Duty Counsel. Generally, Tenant Duty Counsel services are also available for tenants to obtain legal advice prior to the hearing. The Tenant's request does not indicate reasonable efforts or diligence to get legal advice or representation.
3. The Tenant submits information regarding her circumstances but does not identify how this amounts to a serious error in the order. While I am sympathetic to the Tenant's circumstances, they are relevant considerations at the hearing. The record reflects that the Tenant was present at the hearing. In the order, the hearing member considers all the disclosed circumstances and determined it would be unfair to grant relief from eviction. In



doing so, the hearing member notes the length of time since the Tenant signed the N11 and Tenant's evasive evidence regarding efforts to find alternative accommodations.

4. The hearing member's decision to deny relief is an exercise of discretion. The decision contains sufficient reasons explaining why the hearing member decided the way she did and the decision falls within a range of reasonable outcomes. It is therefore entitled to deference. I would not interfere with it.

**It is ordered that:**

1. The request to review order LTB-L-064825-22, issued on December 7, 2022, is denied.
2. The order is confirmed and remains unchanged.

**December 19, 2022**  
**Date Issued**

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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.