



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

Citation: Anwar v Blagdon, 2022 ONLTB 14489

Date: 2022-12-16

File Number: LTB-L-019884-22-RV

In the matter of: BSMT, 13 ABERCROMBIE CRES
BRAMPTON ON L7A4N1

Between: Chaudhry Khurram Anwar Landlords
Rabia Shahid

And

James Blagdon Tenants
Tanya Brett

Review Order

Chaudhry Khurram Anwar and Rabia Shahid (the 'Landlord') applied for an order to terminate the tenancy and evict James Blagdon and Tanya Brett (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant;
- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex used the rental unit or the residential complex in a manner that is inconsistent with use as a residential premises and that has caused or can be expected to cause significant damage;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the building has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord in a building that has three or fewer residential units and the Landlord resides in the building.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-019884-22, issued on October 25, 2022.

On November 16, 2022, the Landlords requested a review of the order.



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

Determinations:

1. I have listened to the September 19, 2022 hearing recording and I have reviewed the Board's application record. 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. At the hearing, the presiding Vice Chair determined that the Landlords' notices of termination do not comply with subsection 43(2) of the *Residential Tenancies Act, 2006* (the 'Act') and the Divisional Court's ruling in *Ball v. Metro Capital Management Inc.*, [2002] O.J. No. 5931 (Div. Ct.) ('*Ball*'). The adjudicator ruled that the notices do not adequately "set out the reasons and details respecting the termination", as required by the Act. In making this finding, the Vice Chair invited submissions from the Landlords' legal representative. The legal representative agreed that the pleadings in the notices of termination do not meet the standards set out in *Ball*, in which the Divisional Court ruled, at paragraph 12: "Particulars should include dates and times of the alleged offensive conduct, together with a detailed description of the alleged conduct engaged in by the tenant."
3. Since the September 19, 2022 hearing recording confirms that the Landlords' legal representative "agreed that the second N5 and N7 did not comply with the requirements of *Ball*", per paragraph 8 of the October 25, 2022 order, I find that the presiding Vice Chair correctly determined that the Landlords' notices of termination are defective. The Vice Chair therefore lacked jurisdiction to grant the Landlords' application to terminate the tenancy and evict the Tenants.
4. The Landlords submit that the Vice Chair acted in a manner that is inconsistent with Tribunals Ontario's Code of Conduct. The hearing recording, however, shows that the Vice Chair exercised his authority to maintain decorum and to control the Board's process when the Landlords became argumentative after the hearing had concluded and after their legal representative had left the video conference hearing room. The Landlords expressed their frustration with the Board's operations and continued to assert their perceived right to give the Tenants eviction notices under sections 64 and 65 of the Act. The recording shows that the adjudicator used tools available to him, including muting parties, in a reasonable manner to promote appropriate conduct. Nothing in the hearing recording or application record supports the Tenants' belief or assertion that a complaint the Landlords filed with the Board about the Vice Chair "resulted in [a] prejudice[d] decision against" the Landlords, per their review request submission.
5. Although the Landlords submit in the review request that there was no error or confusion in giving the Tenants notices of termination under both sections 64 and 65 of the Act, it is clear from the order and the hearing recording that the adjudicator dismissed the application because the pleadings in the notices of termination are inadequate. The Landlords' submissions regarding sections 64 and 65 of the Act are therefore not good cause to review the October 25, 2022 order.
6. The Landlords have therefore not demonstrated that a serious error may exist in the October 25, 2022 order, or that a serious error may have occurred at the September 19,



2022 hearing. The Landlords' own legal representative conceded that the notices of termination do not comply with the Act's requirements. In the circumstances, the presiding adjudicator's decision to dismiss the Landlords' application for want of jurisdiction was correct, and the request to review the order must be denied.

It is ordered that:

1. The request to review order LTB-L-019884-22, issued on October 25, 2022, is denied. The order is confirmed and remains unchanged.

December 16, 2022

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.