



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

Citation: Xin v Fortin, 2022 ONLTB 14175

Date: 2022-12-15

File Number: LTB-L-004178-22-RV

In the matter of: 46 GLENWOOD DR
HUNTSVILLE ON P1H1B6

Between: Wei Xin Landlord

And

Ann Joyce Fortin Tenants
Luc A Joseph Fortin

Review Order

Wei Xin (the 'Landlord') applied for an order to terminate the tenancy and evict Ann Joyce Fortin and Luc A Joseph Fortin (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also applied for an order to terminate the tenancy and evict the Tenants because the Tenants have persistently failed to pay rent when it was due. The Landlord also claimed compensation for unpaid utilities.

This application was resolved by order LTB-L-004178-22 issued on November 10, 2022.

On December 6, 2022, the Landlord requested a review of the order.

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 request seeks to challenge the hearing member's determinations with respect to utilities charges for the years 2021 and 2022, and the amounts paid by the Tenants in 2017. These determinations are findings of fact and are entitled to considerable deference.
3. In making the finding with respect to utilities and payments made, the member considers the parties' testimony and documentary evidence, the member weighs the evidence and sets out her findings at paragraph 28, in a detailed chart. The order contains sufficient reasons to explain the member's findings. It is therefore an adequate order.

4. The Landlord's request seeks to enter additional evidence of unpaid utility charges. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues. The hearing order demonstrates that the presiding member considered the Landlords' evidence and submissions. Since the member was in the best position to consider the parties' credibility, and because the order contains sufficient reasons, I would not interfere with the member's assessment of the evidence.
5. With respect to the order for payment of an extra \$186.00 the Landlord says they were charged, there is no indication in the request that this was requested at the original hearing. Even if it was, this is not a serious error that would change the result of the order.
6. The Landlord's request alleges that the Tenants have not paid the amount they were ordered to pay. This is not a serious error. The Landlord has the right to pursue enforcement action against the Tenants. The Landlord is encouraged to seek legal advice in this regard.

It is ordered that:

1. The request to review order LTB-L-004178-22, issued on November 10, 2022, is denied.
2. The order is confirmed and remains unchanged.

December 15, 2022
Date Issued

Khalid Akram
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.