



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

Citation: Patel v Patel, 2022 ONLTB 14337

Date: 2022-12-14

File Number: LTB-L-009606-22-RV

In the matter of: Main & Upper Floors, 6 RANGELEY DR
Toronto ON M1B5C1

Between: Bhupendra Patel Landlords
Jathusan Ratnakumaran
Jayshree Patel

And

Daksha Patel Tenants
Prakash Patel

Review Order

Bhupendra Patel, Jathusan Ratnakumaran and Jayshree Patel (the 'Landlord') applied for an order to terminate the tenancy and evict Daksha Patel and Prakash Patel (the 'Tenant') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

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-009606-22 issued on October 19, 2022.

On November 23, 2022 interim order LTB-L-009606-22-RV-IN was issued, staying the order issued on October 19, 2022.

This application was heard in by videoconference on December 13, 2022.

The Landlord, the Landlord's Representative, Han Hao and the Tenant attended the hearing.

Determinations:

1. The Tenant submits at the review hearing there's bad faith intention behind the issuance of the N12 Notice because of failed attempts to increase the rent and/or intention to sell the complex. The Tenant in his written request to review alleges that the Member refused to hear evidence of rent increase. The Tenant has begun the process of applying subsidized housing and is seeking to stay in the unit until alternate housing is found.



2. I find the Tenant does not provide evidence of errors that could potentially change the result of the order.
3. The Member considers and makes finding of fact based on the Tenant's same circumstances presented at the review hearing. Paragraph 24 of the Order refers to postponing eviction to April 23, 2023 to allow time for the Tenants to explore senior housing. The Member also considered the issue of unlawful rent increase as referenced in paragraph 22 of the Order. The Tenant disagrees with the Member's findings of fact and the outcome. However, a review hearing is not an opportunity for the Tenant to re-argue their case in the hopes of a different outcome nor is it a process to change the final order to delay eviction.
4. There's nothing in the Tenant's submission that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Member to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of hearing the evidence in its totality.
5. I also find the order sets out very detailed reasons for the determinations made by the Member. The Member's findings of fact are entitled to considerable deference, as stated in Guideline 8 of the Board's Interpretation Guidelines. Reasonable determinations will not be interfered with on review.
6. 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-009606-22 issued on October 19, 2022 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on November 23, 2022 is cancelled. The stay of order LTB-L-009606-22 is lifted immediately.

December 14, 2022
Date Issued

Sandra Macchione
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.