



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

Citation: M Residential Real Estate LP v Trzoch, 2022 ONLTB 13598

Date: 2022-11-30

File Number: LTB-L-009014-22-RV

In the matter of: 17, 135 WEST ST N
ORILLIA ON L3V5C4

Between: M Residential Real Estate LP Landlord

And

Stephen Trzoch Tenant

Review Order

M Residential Real Estate LP (the 'Landlord') applied for an order to terminate the tenancy and evict Stephen Trzoch (the 'Tenant') because the Tenant did not pay all the rent the Tenant owes.

This application was resolved by order LTB-L-009014-22, issued on October 12, 2022.

On November 15, 2022, the 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 August 17, 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 proceeding.
2. The hearing recording shows that the Tenant knew the issue to be determined at the August 17, 2022 hearing, and that he was afforded an opportunity to participate in the proceeding. The Tenant, for example, agreed with the Landlord's evidence of rent arrears for the period ending August 31, 2022. The Tenant testified that, as of the hearing date, he was not employed and had not sought financial assistance from any community or social agency. The Tenant hoped, however, to be employed in September 2022.
3. In the review request, the Tenant writes that he now intends to seek rental arrears assistance from a community agency. The Tenant's decision to apply for financial assistance at this time is not, however, good cause to review the October 12, 2022 order.
4. The Tenant also repeats his request that the Board consider his T2 Application about maintenance and repairs. At the August 17, 2022 hearing, the Tenant had asked for an adjournment so that the Landlord's application could be heard together with his

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application. The presiding adjudicator denied the Tenant's request and proceeded with the Landlord's application.

5. Deciding whether to grant a request to adjourn a Board hearing is an exercise of discretion. In this case, the recording shows that the Tenant was given a full opportunity to lead submissions in support of his adjournment request. The presiding adjudicator therefore afforded the Tenant procedural fairness. Although another Board adjudicator may have exercised their discretion differently by granting the Tenant's request to adjourn the hearing and to combine the Landlord's and Tenant's applications, the presiding adjudicator's decision to deny the request is entitled to deference. The adjudicator's decision was consistent with section 183 of the *Residential Tenancies Act, 2006* (the 'Act'), which requires the Board to adopt an expeditious process to resolve disputes.
6. I therefore find that the Tenant's plea to consider his T2 Application is not good cause to review the October 12, 2022 order.
7. Since the Tenant did not show that a serious error exists in the order, or that a serious error occurred in the proceeding, the request to review the order must be denied.

It is ordered that:

1. The request to review order LTB-L-009014-22, issued on October 12, 2022, is denied. The order is confirmed and remains unchanged.

November 30, 2022

Date Issued

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

Harry Cho

Member, Landlord and Tenant Board

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