



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

**Citation:** Kim v Mahdieh, 2022 ONLTB 12424

**Date:** 2022-11-15

**File Number:** LTB-L-045488-22-RV

**In the matter of:** 5504, 197 Yonge Street  
Toronto Ontario M5B0C1

**Between:** Sook Kyong Kim Landlord

**And**

Arash Mahdieh Tenant

### Review Order

Sook Kyong Kim (the 'Landlord') applied for an order to terminate the tenancy and evict Arash Mahdieh (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-045488-22 issued on November 10, 2022.

On November 14, 2022, the requested a review of the order.

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

### Determinations:

1. The Tenant alleges that there is a serious error in the order or that a serious error occurred in the proceedings.
2. 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.
3. The Tenant says that they did not receive the N4 notice of termination and therefore the application should have been dismissed.
4. This issue was raised at the hearing and the hearing member determined that, on a balance of probabilities, the Tenant was properly served the N4 notice of termination.
5. The review request seeks to challenge this finding of fact by the hearing member.
6. The hearing member's finding of fact are entitled to considerable deference. The hearing member's finding is based on the evidence that the Tenant was given the N4 notice of termination by mail and placing it under the door of the rental unit.
7. The request to review seeks to revisit the hearing member's decision. While the Tenant clearly disagrees with the decision, the purpose of the review process is not to provide parties with an opportunity of relitigating the issues. I would not interfere with the

assessment of the evidence by the hearing member, who had the opportunity of hearing the evidence in its totality.

**It is ordered that:**

1. The request to review order LTB-L-045488-22 issued on November 10, 2022 is denied.
2. The order is confirmed and remains unchanged.

**November 15, 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.