



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

Citation: Zia v Alexander, 2022 ONLTB 12411

Date: 2022-11-15

File Number: LTB-L-011757-22-RV

In the matter of: 445 Valley Dr
Oakville ON L6L4L5

Between: Mohammed Mustafa Zia Landlord

And

Jordan Alexander Tenant

Review Order

Mohammed Mustafa Zia (the 'Landlord') applied for an order to terminate the tenancy and evict Jordan Alexander (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.

The Landlord also applied for an order to terminate the tenancy and evict the Tenant because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-011757-22 issued on October 12, 2022.

On November 11, 2022, the Tenant requested a review of the order, alleging that they were not reasonably able to participate in the hearing held on September 8, 2022, and that the order contains serious errors.

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

Determinations:

1. After the merits hearing held on September 8, 2022, the hearing Member issued an order that dismissed the Landlord's L2 application, and they issued a standard termination order for the Landlord's L1 application.
2. The Tenant requests a review alleging that they were not reasonably able to participate in the hearing, and that the order contains serious errors.
3. In the Tenant's request for a review it is not completely clear why he is alleging that he was not reasonably able to participate in the hearing, or that the order contains serious errors, except to state that he was not expecting that the Landlord's L1 application would be heard

at the same time as the Landlord's L2 application, and also that the Board sent an email to his personal email address rather than his "registered email address with the Tribunals Ontario Portal".

4. In fact, the Tenant was present at the hearing on September 8, 2022, and he consulted with Tenant Duty Counsel prior to the hearing. The Tenant gave testimony at the hearing, and in his testimony he gave evidence about expenses he had incurred, and utilities he paid, for which he expected an abatement of the rent owed.
5. Consequently, I find that the Tenant was reasonably able to participate in the hearing on September 8, 2022, for the reasons that follow. He attended the hearing, he was aware that he was in arrears of rent, he consulted with Tenant Duty counsel, and he gave evidence to prove that he was owed an abatement of rent.
6. The Tenant objects to the fact that notice of hearing was sent to what the Tenant describes as his "personal email address" rather than his "registered email address" with Tribunals Ontario. However, there is no evidence that the personal email address is not the Tenant's email address. The Tenant himself describes it as his personal email address, and he successfully received email at that address. He states that he "got tired" of checking his personal email because the Landlord sent him N4 notices of termination at that address. The Tenant has not provided a reasonable explanation for why receiving the notice of hearing at his personal email address rather than his official Tribunals Ontario email address would render him not able to reasonably participate in the hearing.
7. In addition to the above, the Tenant himself provides documentary evidence that the Landlord sent him the L1/L9 rent update, on August 30, 2022, over a week before the hearing. Consequently, the Tenant has provided documentary evidence that he was aware of the L1 application, and he had every reason to be aware of the Landlord's evidence for the L1 application over seven days before the hearing.
8. I find that the Tenant has provided no evidence, nor a reasonable explanation to support his allegation that he was not reasonably able to participate in the hearing, or that the order contains a serious error.
9. 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, or that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-011757-22 issued on October 12, 2022, is denied. The order is confirmed and remains unchanged.

November 15, 2022
Date Issued

 Nancy Morris
 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.