



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

**Citation:** 3125 Queen Frederica Holdings Ltd v Kahin, 2022 ONLTB 12369

**Date:** 2022-11-14

**File Number:** LTB-L-001200-22-RV2

**In the matter of:** 607, 3125 QUEEN FREDERICA DR  
MISSISSAUGA ON L4Y3A6

**Between:** 3125 Queen Frederica Holdings Ltd Landlord

**And**

Omer Kahin Tenant

### Review Order

3125 Queen Frederica Holdings Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Omer Kahin (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent. 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-001200-22 issued on September 9, 2022. The Board heard the application by videoconference on August 23, 2022 at 9:48 AM. The Tenant did not attend the hearing.

On September 15, 2022, the Tenant requested a review of the order.

The Tenant's request was denied by order LTB-L-001200-22-RV, issued on September 20, 2022.

The Tenant requests a review of order LTB-L-001200-22-RV.

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

### Determinations:

1. For the reasons below, the Tenant's request to review order TNL-23407-20-RV is denied.
2. This is a second review request by the Tenant for the same proceeding.
3. Rule 26.18 of the Board's Rules of Procedure provides that the Board will not consider a further request to review the same order or to review the review order from the same requesting party.
4. Rule A4.2 permits the Board to waive the application of any rule. The Board will only do so in extraordinary circumstances. The circumstances in this case are not sufficiently extraordinary to warrant waiving Rule 26.18.

5. The Tenant's first review request lacked sufficient details to show support a finding that the Tenant was not reasonably able to participate. In the current request, the Tenant seeks to provide further details which should have been plead in the first request.
6. The Tenant also alleges that the reviewing seriously erred by failing to consider that he did not receive the Notice of Hearing and therefore was unable to participate in the hearing. The first review request states "I did not receive the copy of the Landlord's N8 application for notice of termination of the lease." The reviewing member interpreted this to mean that the Tenant did not receive an N8 notice of termination. The reviewing member's interpretation is reasonable.
7. The Tenant being self-represented in making the first request is not sufficiently extraordinary to warrant waiving of the rule against multiple review requests.

**It is ordered that:**

1. The request to review order LTB-L-001200-22-RV, issued on September 20, 2022, is denied.
2. The order is confirmed and remains unchanged.

**November 14, 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.