



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

Citation: Amaz Property Management v Singaravelu, 2022 ONLTB 11664

Date: 2022-11-08

File Number: LTB-L-032474-22-RV

In the matter of: 108, 217 Morningside Ave
Toronto Ontario M1E3E4

Between: Amaz Property Management Landlord

And

Uthayakumar Singaravelu Tenant

Review Order

Amaz Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Uthayakumar Singaravelu (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-032474-22 issued on October 18, 2022.

On November 1, 2022, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

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

Determinations:

1. In the review request, the Tenant submits that the hearing member did not consider the evidence the Tenant submitted as proof of payment to dispute the arrears owed.
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 hearing member notes at paragraph 7 of the order:

The Tenant submitted bank records as evidence to support his claim that there are no rent arrears owing however, the **documents submitted were blurred and unclear** as to which dates the rent was paid to the Landlord. The Tenant did not submit any further evidence. (emphasis added)

4. From the above, I am satisfied that the hearing member considered the evidence submitted by the Tenant but concludes that the evidence was unclear.
5. On any application before the Board, the person who alleges any particular incident or event occurred has the burden of leading sufficient evidence to establish on a balance of probabilities (i.e. that it is more likely than not) that their version of events is true. The

Supreme Court of Canada in *F.H. v. McDougall*, 2008 SCC 53 (CanLII) at paragraph 46, held that the evidence must always be clear, convincing and cogent in order to satisfy the balance of probabilities test.

6. In this case, the hearing member essentially finds that the Tenant did not establish on a balance of probabilities that the Tenant's version is true. The hearing member's finding of fact with respect to the arrears is entitled to considerable deference.
7. The request to review seeks to revisit the Member's decision. While the Tenant clearly disagrees with the Member's 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-032474-22, issued on October 18, 2022, is denied.
2. The order is confirmed and remains unchanged.

November 8, 2022
Date Issued

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.