



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

Citation: Regent North Properties Inc. v Nash, 2022 ONLTB 11659

Date: 2022-11-08

File Number: LTB-L-003450-21-RV2

In the matter of: 156, 50 SHELLEY DR
SUDBURY ON P3A4S6

Between: Regent North Properties Inc. Landlord

And

James Nash Tenant

Review Order

Regent North Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict James Nash (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted into the residential complex, has substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Landlord or another tenant, or has substantially interfered with a lawful right, privilege or interest of the Landlord or another tenant.

This application was resolved by order LTB-L-003450-21, issued on October 14, 2022.

On October 24, 2022, the Tenant requested a review of the October 14, 2022 order. A preliminary review of the Tenant's request was completed without a hearing. The Tenant's review request was denied in review order LTB-L-003450-21-RV, issued on October 25, 2022.

On November 7, 2022, the Tenant requested a review of the October 25, 2022 review order.

A preliminary review of the Tenant's second review request was completed without a hearing.

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the October 25, 2022 review order or that a serious error occurred in the proceedings, and/or that the Tenant was not reasonably able to participate in the review process resulting in the October 25, 2022 review order.
2. Rule 26.9 of the Board's Rules of Procedure state that the Board will conduct a preliminary review of a review request. This preliminary review does not include a hearing. Rather, the preliminary review considers the requesting party's written submissions to determine whether to "direct a review hearing of some or all of the issues raised in the request", per Rule 26.9(d). Where a requesting party has not established in their written review

submissions that a serious error may exist or that they were not reasonably able to participate in the hearing, Rule 26.9(c) permits the Board to dismiss the request without holding a hearing.

3. The Board's Rules of Procedure do not contemplate holding a hearing at the preliminary stage of a review request. The Tenant therefore did not demonstrate, in this present review request, that he was not reasonably able to participate in the preliminary review process that resulted in the October 25, 2022 review order.
4. Rule 26.9(c) states that the Board may dismiss a review request upon completing a preliminary review without holding a hearing. On October 25, 2022, the reviewing Board adjudicator determined that the Tenant's October 24, 2022 review request did not provide "sufficient information to support a preliminary finding of an alleged serious error or an explanation why the requestor was not reasonably able to participate in the hearing", as required by Rule 26.8(e). A review of the Tenant's October 24, 2022 review request supports the October 25, 2022 conclusion, that the "Tenant has not provided any reason for why he was not reasonably able to participate at the hearing held on August 22, 2022, or why there is a serious error in the order."
5. Since the Tenant did not adequately explain in his October 24, 2022 review request why he was not reasonably able to participate in the August 22, 2022 hearing or that a serious error exists, the reviewing adjudicator's October 25, 2022 decision to deny the review request is correct. As such, the Tenant did not show that a serious error exists in the October 25, 2022 review order, or that he was not reasonably able to participate in the August 22, 2022 hearing.
6. The Tenant also seeks to introduce evidence to dispute the Landlord's application in this latest review request. The Tenant's opportunity to do so, however, was at the August 22, 2022 hearing of the Landlord's application. Having determined that the Tenant did not show that he was not reasonably able to participate in that hearing, it is not appropriate to accept and consider the Tenant's potential evidence and submissions about the Landlord's application at this time.
7. The Tenant's request to review the October 25, 2022 order must therefore be denied.

It is ordered that:

1. The request to review the Board's review order LTB-L-003450-21-RV, issued on October 25, 2022, is denied. The order is confirmed and remains unchanged.

November 8, 2022

Date Issued

Harry Cho

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.