



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

Citation: IMH POOL VIII LP v Ahmed, 2022 ONLTB 11003

Date: 2022-11-07

File Number: LTB-L-002071-21-RV

In the matter of: 111, 15 EVA RD
ETOBICOKE ON M9C4W3

Between: IMH POOL VIII LP Landlord

And

Rafiat Ahmed Tenants
Rashidat Ahmed

Review Order

IMH POOL VIII LP (the 'Landlord') applied for an order to terminate the tenancy and evict Rafiat Ahmed and Rashidat Ahmed (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-002071-21 issued on August 29, 2022

On October 19, 2022, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On October 21, 2022, interim order LTB-L-002071-21-RV-IN was issued, staying the order issued on August 29, 2022.

This application was heard in by videoconference on November 1, 2022.

Only the Tenants attended the hearing.

As of 9:30 a.m., the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenants' evidence.

Determinations:

1. As explained in interim review order LTB-L-002071-21-RV-IN, the Tenants' request for review was directed to hearing because there was no indication in the LTB's file that the order had been sent to the parties.
2. At the review hearing, the Tenants confirmed that they obtained a copy of the order on October 18, 2022, when they signed into the Tribunals Ontario Portal that day.

3. Therefore, although there was previously a serious error in the proceedings – in that the Tenants were not provided a copy of the order – that error no longer exists because they now have the order. I note that the Landlord also appears to have access to the LTB's file in TOP. In any event, the hearing order will be sent to the parties with this review order.
4. The Tenants requested a review on different grounds. They essentially claimed that there was a serious error in the order because the original hearing member should have granted further relief from eviction in the form of a payment plan or more time to pay the arrears owing. However, after reviewing the order and the audio recording of the original hearing, I find that the Tenants presented the same evidence and submissions in support of their request for relief from eviction at that hearing and the member considered it in her order. Based on the evidence and submissions that both parties presented at the hearing, the member granted relief from eviction under section 83 of the *Residential Tenancies Act, 2006* in the form of delaying the eviction/voiding date until September 30, 2022.
5. The LTB's Interpretation Guideline 8: Review of an Order states:

Orders granting relief from eviction (RTA s. 83(1)) or awarding specific remedies involve an exercise of the original hearing Member's discretion and are entitled to deference. The LTB will not exercise its discretion to review these types of decisions where the result is within the range of reasonable, acceptable outcomes. [TSL-62420-15-RV \(Re\)](#), 2015 CanLII 67891(ON LTB).

6. Although the Interpretation Guideline is not binding on me, I find it persuasive, and I choose to adopt the approach in it. I find that the hearing member exercised her discretion to award relief from eviction reasonably based on the evidence and submissions before her. Therefore, the Tenants' request for review is denied.

It is ordered that:

1. The request to review order LTB-L-002071-21 issued on August 29, 2022 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on October 21, 2022 is cancelled. The stay of order LTB-L-002071-21 is lifted immediately.

November 7, 2022

Date Issued

Anna Solomon

Vice Chair, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.