



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

Citation: Alemayehu v Gerber, 2022 ONLTB 10957

Date: 2022-11-02

File Number: LTB-L-016895-22-RV

In the matter of: 36 TRAYNOR AVE
KITCHENER ON N2C1V9

Between: Meseret Gezahegn Alemayehu Landlord

And

Samantha Gerber Tenant

Review Order

Meseret Gezahegn Alemayehu (the 'Landlord') applied for an order to terminate the tenancy and evict Samantha Gerber (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-016895-22 issued on October 19, 2022.

On October 28, 2022, Samantha Gerber (the 'Tenant') requested a review of the order and that the order be stayed until the request to review the order is resolved.

Determinations:

1. The Tenant alleges that she was not reasonably able to participate and that there is a serious error in the order.
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 or that the Tenant was not reasonably able to participate in the proceeding.
3. The Tenant says that around the time of the hearing she was experiencing a number of physical and mental health issues and did not feel well enough to attend the hearing. Additionally, the Tenant says that her daughter ran away several times around the time of the hearing and this caused the Tenant a great deal of stress and contributed to the Tenant's health issues.
4. The record indicates that the LTB emailed the Tenant the Notice of Hearing on September 8, 2022. The Tenant does not allege that she did not receive the Notice of Hearing of from the Board or that she was otherwise not aware of the hearing. According to the LTB's record, the Tenant did not make a request to re-schedule the hearing. The Tenant should have attended the hearing or have a representative attend on her behalf to request an adjournment.

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5. With respect to the serious error, the Tenant says the order lists arrears of rent to October 31, 2022 when the Landlord locked her out of the rental unit on or about July 2, 2022. Therefore, the Tenant says the Landlord should not be able to claim arrears of rent to October 31, 2022.
6. I have listened to the hearing recording. The Landlord testified that the Tenant was still in possession of the rental unit as of the date of the hearing. The findings made in the order are based on the uncontested evidence before the hearing member which the hearing member was entitled to rely on.

It is ordered that:

1. The request to review order LTB-L-016895-22 issued on October 19, 2022 is denied.
2. The order is confirmed and remains unchanged.

November 2, 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.