



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

Citation: Ogundipe v Wilson, 2022 ONLTB 10998

Date: 2022-11-01

File Number: LTB-L-019635-22 and LTB-L-024393-22-RV

In the matter of: MAIN UNIT, 19 DELAMBRAY ST
BRAMPTON ON L6R3R6

Between: Bolatito Ogundipe Landlord

And

Ariana Wilson, Shawn Knight Tenants

Review Order

Bolatito Ogundipe (the 'Landlord') applied for an order to terminate the tenancy and evict Ariana Wilson, Shawn Knight (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent, and the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-019635-22 and LTB-L-024393-22 issued on October 12, 2022.

On October 28, 2022, the Tenant, Ariana Wilson, requested a review of the order, and that the order be stayed, alleging that the order contains serious errors.

Determinations:

1. After the merits hearing for the Landlord's L1 and L2 application, the hearing Member issued an order that provided the Tenants an opportunity to void the termination order if they paid the arrears owed on or before October 31, 2022. If the Tenants voided the order, they were to continue to pay the monthly rent no later than the first day of each month for a further year.
2. The Tenant, A. Wilson (AW) filed her request for a review alleging that the order contains serious errors. She also alleges that she has her own Tenant application that relates to the Landlord's application, and it should be heard together with these applications.
3. In the box where the Tenant is supposed to explain in detail why they believe the order contains a serious error, AW has repeated evidence that she had the opportunity to present at first instance, and which she did present at first instance. Much of what she writes relates to AW's belief that the Landlord failed to cash her post-dated cheques. This is an attempt to re-argue the same point that AW made at the merits hearing. The Member considered this evidence, and he concluded that even if AW's claim was true, she had ample opportunity to pay off the arrears and void the N4 notice of termination prior to the hearing, and she did not. AW did not seriously dispute the amount of arrears that were

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owing. In fact, it was determined at the hearing that the Tenant owed over \$37,000.00 to October 31, 2022, which is an amount in excess of the Board's jurisdiction.

4. The purpose of the review process is not to provide the parties with an opportunity to present a better case than they did at first instance or to rehash issues decided.
5. AW's Tenant applications, a T2 and a T6, are unrelated to the Landlord's, and it is not necessary to hear her application in order to decide any of the issues that were in dispute in these Landlord applications.
6. 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.

It is ordered that:

1. The request to review order LTB-L-019635-22 and LTB-L-024393-22 issued on October 12, 2022, is denied. The order is confirmed and remains unchanged.

November 1, 2022

Date Issued

Nancy Morris

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.