



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

**Citation:** Meadows v Chamberlain, 2022 ONLTB 9549

**Date:** 2022-10-19

**File Number:** LTB-L-007358-22-RV

**In the matter of:** 206 BEL-AIR AVE  
STONE CREEK ON L8E5K1

**Between:** David Meadows, Domenica Meadows, Lucas Meadows Landlords

**And**

Kristin Chamberlain Tenant

### Review Order

David Meadows, Domenica Meadows, Lucas Meadows (the 'Landlord') applied for an order to terminate the tenancy and evict Kristin Chamberlain (the 'Tenant') because the Landlord requires the rental unit for their own residential occupation.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-007358-22 issued on September 15, 2022.

On October 17, 2022, the Tenant requested a review of the order alleging that the order contains serious errors.

#### Determinations:

1. The Landlords served the Tenant an N12 notice of termination, and they applied to the Board to evict the Tenant so that the Landlord, L. Meadows, could move into the rental unit for his own residential use.
2. After the hearing on September 7, 2022, the hearing Member issued an eviction order, postponing the eviction a few days from the standard termination period in order to permit the Tenant a bit more time to find alternative accommodation.
3. The Tenant filed her request for a review, ticking the Board review form "I believe the order contains a serious error."
4. However, in the section in which the Tenant is requested to explain in detail why she believes the order contains a serious error, she has failed to allege any.
5. In the Tenant's attached explanation, she states again all the same evidence that she presented at the hearing.

6. The hearing Member's order was terse, and he did not provide details of all the evidence that was presented at the hearing. I have reviewed the recording, and I find that the Tenant's explanation is essentially a repetition of the same evidence she gave at the hearing.
7. 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.
8. The hearing Member was not obliged to regurgitate all the evidence that was presented to him at the hearing, but rather to consider it and make a reasonable determination based on all the evidence that was presented.
9. The Tenant testified about her circumstances and her attempt to find alternative accommodation, and the Landlord testified that there was a substantial amount of rent arrears of over \$12,000.00 owed by the Tenant. The Tenant has remained in the rental unit over 6 months past the termination date in the N12 notice of termination.
10. The Tenant has not shown that there was no evidence to support the Member's finding or that the Member's finding was capricious or unreasonable. It is important to note that the Member was in a better position to assess the credibility of the testimony and the evidence before him.
11. The Board will not interfere with the proper exercise of discretion by a Member (Guideline #8 of the *Landlord and Tenant Board Interpretation Guidelines*). The Member's exercise of discretion was reasonable. The Tenant's circumstances are not paramount. The Member balanced the interests of both parties and the Member's decision is entitled to deference (*Caputo v. Newberg* 2009 CanLII 32908 (ON SCDC)).
12. 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-007358-22 issued on September 15, 2022, is denied. The order is confirmed and remains unchanged.

**October 19, 2022****Date Issued**

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**Nancy Morris**

Member, Landlord and Tenant Board

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