



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

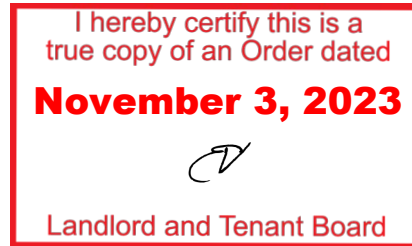
File Number: LTB-L-057300-22-RV

In the matter of: TOP FLOOR, RM 1, 4 CHAPEL RD
ETOBICOKE ON M8W1G1

Between: Vincenzo Butera
Gay Chisholm

And

Carlito Gomes



Landlords

Tenant

Review Order

Vincenzo Butera and Gay Chisholm (the 'Landlords') applied for an order to terminate the tenancy and evict Carlito Gomes (the 'Tenant') because:

- the Landlords in good faith require possession of the rental unit for the purpose of residential occupation for at least one year.

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

This application was resolved by order LTB-L-057300-22 issued on August 14, 2023.

On August 24, 2023, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On August 24, 2023 interim order LTB-L-057300-22-RV-IN was issued, staying the order issued on August 14, 2023.

This application was heard by videoconference on October 17, 2023.

The Landlords, the Landlords' Legal Representative Roman Andrzejewski, the Tenant and the Tenant's Legal Representative Dariya Alton attended the hearing.

Determinations:

- Based on my finding of the following serious errors in Order LTB-L-057300-22, the request to review was granted.
- I find that the Member's reasons in the order were inadequate with respect to addressing:
 - whether consideration was given to deficiencies in the N12 notice of termination because the original notice did not identify the unit number as required under subsection 43(1) of the *Residential Tenancies Act, 2006* (the 'Act').
 - whether the Landlords' daughter or son intended to occupy the Tenant's unit to the exclusion of the rest of the Landlords' family, in other words independently and, if so,



whether a separate N12 notice of termination for the daughter or son ought to have been given to the Tenant.

3. At the commencement of the rehearing of the Landlord's L2 application, the Landlords requested the consent of the Board to withdraw the application. In accordance with subsection 200(4) of the Act, I consent to the withdrawal of the application.

It is ordered that:

1. The Tenant's request for a review of Order LTB-L-057300-22 is granted.
2. Interim Order LTB-L-057300-22-RV is cancelled.
3. Order LTB-L-057300-22 is cancelled and replaced with the following.
4. The Landlords' L2 application having been withdrawn, the LTB's file is closed.

November 3, 2023
Date Issued



Elle Venhola
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.