



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

**File Number:** LTB-L-098689-24-RV

**In the matter of:** 43 OTTAWA ST N  
HAMILTON ON L8H3Y8

**Between:**

Sabina Palka

**And**

Cassandra Musgrave  
Matthew Williams

I hereby certify this is a  
true copy of an Order dated

**MAR 27 2025**

Landlord and Tenant Board

Landlord

Tenant

### Review Order

Sabina Palka (the 'Landlord') applied for an order to terminate the tenancy and evict Cassandra Musgrave and Matthew Williams (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant failed to meet a condition specified in the order issued by the Board on October 22, 2024, with respect to application LTB-L-017853-24.

This application was resolved by order LTB-L-098689-24 issued on December 27, 2024. The Tenant filed a motion to set aside this order and a hearing was held on March 13, 2025. The subsequent order LTB-L-098689-24-SA was issued on March 21, 2025.

On March 24, 2025, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

### Determinations:

1. 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. As such, the Tenant's review request is denied, and the order remains unchanged.
2. Guideline 8 of the Board's Interpretation Guidelines provides the Board with the ability to grant a review hearing when it is satisfied that the original order contains a serious error. This includes:
  - An error of jurisdiction. For example the order relies on the wrong section of the RTA or exceeds the LTB's powers. This issue need not have been raised in the original hearing;
  - A procedural error which raises issues of natural justice;

- An unreasonable finding of fact on a material issue which would potentially change the result of the order;
  - New evidence which was unavailable at the time of the hearing and which is potentially determinative of one or more central issues in dispute;
  - An error in law. The LTB will not exercise its discretion to review an order interpreting the RTA unless the interpretation conflicts with a binding decision of the Courts or is clearly wrong and unreasonable; and ,
  - An unreasonable exercise of discretion which results in an order outside the usual range of remedies or results and where there are no reasons explaining the result.
3. In the request to review, the Tenant alleges that the order contains a serious error because the presiding adjudicator did not award an appropriate remedy by failing to provide relief against eviction and found there was a breach “being less than one day due to the timing of a weekend.” The Tenant seeks that the eviction order be reconsidered and overturned to ensure eviction is not enforced.
  4. With respect to the breach, the presiding adjudicator finds at paragraph 5 that the evidence adduced by the Tenant supports the fact that the Tenant was in breach of the order. In the review request itself, the Tenant states due to the timing of the weekend. I take this to mean the Tenant was late because it was a weekend. So I do not find there was a serious error when the presiding adjudicator found that the Tenant was in breach of the order.
  5. The remainder of the review request is essentially, the Tenant disputing the presiding adjudicator’s exercise of discretion which is not a ground for review unless it is unreasonable.
  6. In this case, the presiding adjudicator, at paragraph 10, considered the fact that the Tenant lived in the unit for 11 years, had six children, was experiencing financial difficulties and decided to delay the lifting of the stay by 1 month and 10 days instead of lifting the stay immediately. I do not find this to be unreasonable given the circumstances.
  7. The Tenant may not agree with the outcome of the order but the review process is not designed to allow a party to relitigate the issues.
  8. The Tenant’s request to review is denied.
  9. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

**It is ordered that:**

1. The request to review order LTB-L-098689-24 issued on March 21, 2025 is denied.
2. The order is confirmed and remains unchanged.

**March 27, 2025**

**Date Issued**

*S. Anwar-Ali*

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Sonia Anwar-Ali

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.