



Order under Section 126  
Residential Tenancies Act, 2006

**In the matter of:** 165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4

**Between:** RED STARLIGHT LP Landlord

**and**

Refer to attached Schedule 2 Tenants

**REVIEW ORDER**

RED STARLIGHT LP (the 'Landlord') applied for an order permitting the rent charged to be increased by more than the guideline for one or more of the rental units in the residential complex (refer to attached Schedule 1).

The Landlord's application was resolved by order SOL-40297-13, issued on October 10, 2014.

The Tenants requested a review of that order.

The Tenant's review request was sent to a hearing and was resolved by order SOL-40297-13-RV, issued January 22, 2016.

The Landlord requested a review of the January 22, 2016 order.

The Landlord's review request was sent to a hearing and was resolved by order SOL-40297-13-RV2, issued on December 14, 2017.

On January 2, 2017, the Tenants filed a second review request asking to review the December 14<sup>th</sup> order.

The Tenants allege that the Vice Chair who heard the Landlord's review request committed a serious error by relying on evidence from a witness who was not credible and that they were prevented from submitting all of their evidence at the second review hearing.

**Determinations:**

1. The Tenants and the Landlord have each requested and been granted a review of the orders resulting from this proceeding. There have been multiple hearings held.
2. Rule 29.17 of the Board's Rules of Practice states that the Board will not consider a further request to review the original order or the review order from the same requestor.
3. Rule 29.17 is intended to bring some finality to the proceedings. Otherwise, each party could file unlimited review requests and an application would never be resolved.
4. Since the Tenants alleged that they were not given the opportunity to submit all of their evidence and that this amounted to a denial of the most basic principle of natural justice, I considered waiver of Rule 29.17 if there was any indication of a denial of procedural fairness.
5. The Board's record of the proceedings does not support the Tenants' allegation. The Tenants had an adequate opportunity to present their evidence throughout this lengthy proceeding.
6. During the most recent review hearing, the Landlord and the Tenants had the opportunity to submit written submissions and they also attended an in-person hearing.
7. The Board is mandated to conduct matters expeditiously in section 183 of the *Residential Tenancies Act, 2006*, (the 'Act'). In accordance with section 183 of the Act, the parties have had an adequate opportunity to be heard on the issues in this application by way of both written and in-person submissions and evidence.
8. The Tenants raised the issue set out in this current review request (the credibility or reliability of the evidence from the Landlord's witness) at the hearing of the Landlord's review request.
9. The order mentions this issue in paragraphs 41, 42 and 43. The determinations made by the Vice Chair are reasonable. The order is very detailed and sets out a reasonable basis for the determinations that were made. Reasonable determinations will not be interfered with on review.
10. Based on the submissions in the Tenants' review request and the Board's record of the proceedings, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.
11. The Tenants are understandably disappointed with the result of the Landlord's review request since it resulted in an increase in the amount of the above guideline

rent increase that was ordered. However, absent a serious error, a review is not an opportunity to reargue your case in hopes of a more favourable outcome.

12. The review request is denied in accordance with Rule 29.11(c) of the Board's Rules of Practice because the grounds for considering a review are not satisfied.

**It is ordered that:**

The request to review Order SOL-40297-13-RV2, issued on December 14, 2017, is denied. The order is confirmed and remains unchanged.



**January 5, 2018**

**Date Issued**

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Karen Wallace

Vice Chair, Landlord and Tenant Board

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Hamilton, ON, L8P4Y7  
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

165 ONTARIO STREET, ST CATHARINES, ON, L2R5K4

115	414	709
116	416	711
117	417	712
118	418	714
119	420	715
120	502	716
201	503	717
205	504	718
207	506	719
208	507	801
210	508	802
211	509	803
212	510	804
214	511	806
215	512	807
216	514	809
217	516	810
218	517	811
219	519	814
220	520	815
302	601	816
303	602	817
304	603	818
305	604	819
306	605	820
307	606	901
308	607	902
309	608	903
311	609	904
312	610	905
314	611	906
315	612	907
317	615	908
320	616	909
401	617	910
402	618	911
403	619	912
404	620	914
405	701	915
406	702	916
407	703	918
409	705	919
410	707	920
412	708	

Tenant names hidden to protect privacy

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