



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 14th 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

Karen Wallace

Vice Chair, Landlord and Tenant Board

Southern-RO
6th Floor, 119 King Street West
Hamilton, ON, L8P4Y7
Fax No: 905 - 521 - 7870

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	

Schedule 2 - Tenants who are Affected by this Order: File Number:SOL-40297-13-RV3

ACHEAMPONG, VIVIAN
ADAM, SMELSER
AL HUSAINI, FAROOG
AL SHAIBANI, MOHAMMED
AMIR, ZAINAB MOHAMED
ANAM, FAIZA
ANDREW, NAGY
ANGLE, VIRGINIA
ANIOL, ANGELA
ARMSTRONG, JESSICA
BARNHARDT, BRENT
BAUMBARTNER, ANDREW
BENNICI, JESSE
BERING, JACOLYNNE
BERNICKY, BARBARA
BLACKMORE, TREVOR
BLAKE, LD
BOESE, JAMES
BRANSTON, COLLIN
BRODGEN, NANCY
BROWN, MARK
BROWN, MICHELE
BROWN, ROSEMARY
BROWN, TABITHA
BURKE, JESSIE
BURNS, ASHLEY
CAIN, MARGARET
CAMPBELL, BARBARA
CAPASSO, JOSEPH
CECCHI, JORDAN MICHAEL
COOK, DEBORAH
CORBI, AMANDA
COURCHESNE, NANCY
COUSINS, JANE
CRUISE, HOLLY
CSUKA, WILLIAM
CUMMING, STEVEN
DERTINGER, NICHOLAS
DIEUZ, CAROL
DRESSEL, CAROLYN ANN
DUGUAY, ADAM
DUVAL, CATHIE
DZUIBANOWSKI, MAURICE
EATON, CLAYTON
EDELMAN, MARIA
ELZOWAWI, ALHUSSEIN

FEATHER, JANICE
FISHER, KARLI
FITZGIBBON, MARY JO
FLEMING, W M MACRIS
FORTIN, DONNA
FRANCIS, ASHTONNE GORING
FREDERICK, ALEX
FREEMAN, SHAWN
GALLOWAY, SUSAN
GARCIA, MAYELAYNE
GORING, KERRY
GREEN, CHARLES
HABTOM, FEVEN
HEBERT, BERTRAND
HERSTEK, BENNY
HIGNETT, DAVIS
HOUDE, JOANNE
HOUSING, NIAGARA REGIONAL
HURSON, DEBORAH
JACQUES, KENNETH
JASINSKI, STEVEN
JOHNSON, BRANDEN
JOHNSTON, LYNDIA
JONES, JUSTYN
KARLOVA, ANNA
KOSTROMA, VLADIMIR
KRAVCIK, STEPHANIE
KRIKUN, DARIA
LAI, STANFORD
LANCASTER, TIM
LARSEN, SIMONE
LEE, STEVEN
LI, MENGXUE
LIN, LIANG
MACDONALD, JANET
MADOLE, DON
MAHLE, LAURIE
MALANGIS, JOCELYN
MASON, LINDA
MCCOURT, KENDRA
MCFADDEN, SEAN
MCLAUGHLIN, DIANNE
MCNABB, RANDY
MELLEN, KENNETH
MIAN, JAVID
MOATE, JAMES

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MULVIHILL, ERIN
MURPHY, KARI
MURPHY, MAXINE
NEIRA, MERCEDES
NESBITT, LAURA
NICKERSON, RUBY
PENNER, MARY
PETCH, DEBORAH
PETTIPAS, KATHY LYNN
PIETIKAINEN, ERIKKI
PRENTICE, ROB
RAGOONATH, FATIMA ALYSSA
REDDICK, RONNIE
REID, DANIELLE
REID, DARREN
ROMEIKO, DEBBIE
RYAN, SYLVIA
SAAD, MOHAMED ABUEL
SALIU, MYSLIM
SAWATSKY, MARLENE

SEGUIN, ROANNE
SMITH, MARTIN
SPECIAINY, GERALD
STAVROU, PETER
SWEENEY, JOHN
TAYLOR, BETTY
THOMPSON, DIANE
THOMPSON, THEODORE
TRIPP, DIANE
VANDERVAART, JULIE
VILBRUN, STALL
VON BORMANN, NIKI
WEISS, ROBIN
WITTIW, STELLA
WOLBERT, KEVIN
XHEMALI, BEXHET
YI, ZHAN
YOUNG, RAMONA
YU, FANG
ZHU, HAI