



## Social Justice Tribunals Ontario

*Providing fair and accessible dispute resolution*

Landlord and Tenant Board

# Request to Review an Order

## Instructions

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**SECTION****A****Who can file a Request to Review an Order**

Any party to an order issued by the Landlord and Tenant Board (the LTB) may file a request to review an order. As well, any other person directly affected by the outcome of a particular order may file a request to review the order.

The LTB will only consider a request to review a final Order, or an Interim Order which affects the rights of a party in a final way.

**SECTION****B****Deadline for filing a Request**

A request to review an order or decision must be made to the LTB no later than **30 days** after the date the order was issued.

If the request is made after the 30-day deadline, the person making the request must also make a request to extend time. The [\*Request to Extend or Shorten Time\*](#) is available from the LTB website at [sjto.ca/ltb](http://sjto.ca/ltb).

**SECTION****C****Reasons for making a Request**

Before filing a Request to Review an Order, you should review the LTB's [\*Interpretation Guideline #8, Review of an Order\*](#), and [\*Rule of Practice #29, Review of Orders\*](#) to assist you in completing your request. This Guideline and Rule of Practice are available from the LTB website at [sjto.ca/ltb](http://sjto.ca/ltb).

A Request to Review an Order can be made by a party affected by an order if:

- the party believes the order contains a serious error, and/or
- the party was not reasonably able to participate in the proceeding.

**The *Request to Review an Order* is not an opportunity for a party to have their matter heard a second time if they are not satisfied with the Board's decision.**

**What is a “serious error”?**

The following are some examples of what *may* be considered a serious error:

- **An error in jurisdiction** (the Board did not have the authority to decide the issue, or the Board applied the *Residential Tenancies Act, 2006* in a situation where it did not apply).
- **An error in procedure** that might have caused prejudice to a party (e.g. failing to comply with the rules of natural justice).

- **An unreasonable exercise of discretion** (e.g. a decision falls outside the usual range of remedies or results and the Member has not explained the outcome in the order).

### **When is a party “not reasonably able to participate” in a proceeding?**

The following are some examples of when it *may* be found that a party was not reasonably able to participate in a proceeding:

- The person requesting the review was out of the country, in hospital or in police custody when the notice of hearing was served and/or the hearing was held.
- The notice of hearing and other documents were served incorrectly (e.g. to the wrong address or to the incorrect individual).
- The party was unable to attend or ask for an adjournment of the proceeding because of a sudden illness, family crisis, extreme weather or transportation problems.

## **SECTION D**

### **How to complete a Request**

Read these instructions before completing the application form. You are responsible for ensuring that your request is correct and complete. Follow the instructions carefully when you complete the request form.

The information you fill in on the form will be read electronically; therefore, it is important to follow the instructions below:

- Print clearly or type and do not touch the edges of the boxes.
- If there are more boxes in a line than you need, start from the left and leave the extra boxes blank.
- Do not fill in boxes that do not apply to you (for example, if you do not have a fax number, do not fill in boxes in the space marked “Fax Number”).
- If the instructions tell you to shade a box or a circle (for example, circles marked “Yes” or “No”), shade the box or circle completely.

### **PART 1: GENERAL INFORMATION**

#### **Requester’s Information**

Shade the appropriate circle to indicate whether you are a landlord, tenant, co-op, co-op member or other party.

Fill in your name and address. If the requester is a company, fill in the name of the company under “First Name”. Include both daytime and evening telephone numbers and a fax number and e-mail address, if you have them.

### Unit, Building or Complex Covered by the Request

Fill in the complete address of the rental unit, including the unit number (or apartment or suite number) and the postal code.

If the street name includes a direction that will not fit in the five spaces provided (such as Northeast) use the following abbreviations: *NE* for Northeast, *NW* for Northwest, *SE* for Southeast, *SW* for Southwest.

### Example:

If the address is: #208 at 1120 Mayfield Road North, London, this is how you should complete Part 1 of the application:

Street Number				Street Name																								
1	1	2	0	M A Y F I E L D																								
Street Type (e.g. Street, Avenue, Road)										Direction (e.g. East)					Unit/Apt./Suite													
R	O	A	D	N O R T H					2 0 8																			
Municipality (City, Town, etc.)															Prov.		Postal Code											
L O N D O N															O N		N 6 J 2 M 1											

### Other Parties to the Request

Shade the appropriate circle to indicate if the other party to the request is the landlord, tenant, co-op, co-op member or other party.

Fill in the other party’s name and address. If the other party is a company, fill in the name of the company under “First Name”. Include both daytime and evening telephone numbers and a fax number and e-mail address, if you have them.

If there is more than one other party, provide the names, addresses and telephone numbers of the additional other parties on the [Schedule of Parties](#) form which is available from the LTB website at [sjto.ca/ltr](http://sjto.ca/ltr).

## PART 2: REASONS FOR YOUR REQUEST

Shade the appropriate box or boxes to indicate whether you believe the Board made a serious error, and/or you were not reasonably able to participate in the proceeding.

In the space provided, describe in detail the serious error you believe is contained in the order or explain why you were not reasonably able to participate in the proceeding. As well, indicate how you think the order should be changed if your request for review is successful.

**Important:** A party may only file one request to review an order so it is important to include all your reasons. If you do not convince the Board that there may be a serious error in the order, or that you were not reasonably able to participate in the

proceeding, your Request to Review an Order may be dismissed without further consideration.

On the form, shade the appropriate circle to indicate if you are asking the Board to stay (put on hold) the order you want reviewed, or lift (remove) a stay.

- If you are requesting that the Board stay (put on hold) the order you want to review then, in the space provided on the form, explain why the order should be stayed. An order that is stayed **cannot** be enforced.
- If the order you want reviewed has been appealed to the Divisional Court, the order is automatically stayed and the Board cannot consider your Request to Review an Order unless it first decides to lift the stay of the appeal. In the space provided on the form, indicate if an appeal has been filed with the Divisional Court and explain why the Board should lift (remove) the stay resulting from the appeal.

### **PART 3: SIGNATURE**

If you are the requester, shade the circle marked “Requester”. Then, sign the review request and fill in the date.

If you are the representative shade the circle marked “Representative”. Then, sign the review request and fill in the date.

### **REQUEST FOR ADDITIONAL SERVICES FORM**

The LTB wants to ensure that everyone who uses its services can ask for and receive accommodation and/or French Language services in order to be able to participate in its proceedings on an equal basis.

Shade the appropriate box or boxes on the form to indicate whether you need accommodation under the Ontario *Human Rights Code*, French-language services or both. The LTB will not include a copy of this form when we give the other parties a copy of the request form. However, the information will be included in your application file. The file may be viewed by other parties to the request for review.

If you require accommodation under the *Human Rights Code*, explain what services you need in the space provided.

### **PAYMENT INFORMATION FORM**

Complete this form to provide the LTB with the information required to process your request. Your request will not be accepted if you do not pay the fee at the time you file the request. If you owe money to the LTB as a result of failing to pay a fee or any fine or costs set out in an order, your review may be refused or discontinued.

You may request a fee waiver if you meet the financial eligibility requirements set out by the LTB. You will need to complete the [Fee Waiver Form](#) which is available from the LTB website at [sjto.ca/ltb](http://sjto.ca/ltb). For more information about fee waivers and the eligibility criteria, go to the fee waiver rules and practice direction on the [Rules of Practice](#) page of the LTB website.

### Payment Method

Shade the appropriate box to show whether you are paying by cash, debit card, money order, certified cheque, Visa or MasterCard. You cannot pay by cash or debit card if you are filing your review request by fax or mail. If you are paying by credit card, include the cardholder's name and signature, the card number and expiry date. The information you fill in on this part of the form is confidential. It will be used to process your review request, but will not be placed on the application file.

## SECTION E

### What to include when you file a Request

To file this request, you must include the following:

- The completed *Request to Review an Order* form,
- The fee (listed on the cover page of the request).

**Your request to review an order will be refused if you do not pay the fee.**

## SECTION F

### How to file your Request

You can file your request to review an order one of the following ways:

#### 1. In Person at the nearest LTB office.

To find a list of LTB [office locations](#) visit the LTB website at [sjto.ca/ltb](http://sjto.ca/ltb). You can also call the LTB at 416-645-8080 or 1-888-332-3234 (toll-free).

If you file your request in person at an LTB office, you can pay the fee by cash, debit card, certified cheque, money order, Visa or MasterCard.

#### 2. By Mail

Mail your *Request to Review an Order* form to the nearest LTB office.

To find a list of LTB [office locations](#) visit the LTB website at [sjto.ca/ltb](http://sjto.ca/ltb). You can also call the LTB at 416-645-8080 or 1-888-332-3234 (toll-free).

If you mail your request, you can pay the fee by certified cheque or money order, Visa or MasterCard.

### 3. By Fax

You can fax your review request to the nearest LTB office.

To find a list of LTB [office fax numbers](#) visit the LTB website at [sijo.ca/ltb](http://sijo.ca/ltb). You can also call the LTB at 416-645-8080 or 1-888-332-3234 (toll-free).

If you fax your request you can pay the fee by Visa or MasterCard.

**Certified cheques and money orders must be made payable to the *Minister of Finance*.**

## SECTION G

### What to do if you have any questions

You can visit the LTB website at: [sijo.ca/ltb](http://sijo.ca/ltb)

You can call the LTB at 416-645-8080 from within the Toronto calling area, or toll-free at 1-888-332-3234 from outside Toronto, and speak to one of our Customer Service Officers.

Customer Service Officers are available Monday to Friday, except holidays, from 8:30 a.m. to 5:00 p.m. They can provide you with **information** about the *Residential Tenancies Act* and the LTB's processes; they cannot provide you with legal advice. You can also access our automated information menu at the same numbers listed above 24 hours a day, 7 days a week.