

Request to Review

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What does a Request to Review an Order mean?

There is a provision in the *Residential Tenancies Act* that allows an order containing a serious error to be reviewed. In other words, if one of the parties is dissatisfied with an order, they can request a review of an order based on a serious error in law or procedure.

Under what circumstances can a Request to Review an Order be made?

A request for the review of an order will **not** be allowed unless:

- the order contains a serious error; or
- a serious error occurred in the proceedings or where the requestor was not reasonably able to participate in the proceeding.

Who can Request to Review an Order?

A Request to Review an Order can be made by: 1) a party to the order; 2) any person directly affected by the outcome of the order; or 3) any Landlord and Tenant Board Member.

Is there a deadline for filing a Request to Review an Order?

A Request to Review an Order must be filed within **30-days** of the date the order was issued. Landlords should consider their options and act immediately.

What happens if the landlord fails to file the Request to Review an Order within 30 days?

The landlord may request in writing to extend the 30-day time limit via a Request to Extend or Shorten Time form available on the Landlord and Tenant Board website. The request to extend the time must be filed together with the request to review. The Landlord and Tenant Board Member will take into consideration factors such as the length of the delay, explanations for the delay and evidence of prejudice suffered by any person as a result of the order, when considering such a request. However, in fairness to the other parties, requests should be initiated as soon as possible.

How is a Request to Review an Order made?

The Request to Review an Order must be made in writing, and this form can be obtained from the Board's website at <https://tribunalsontario.ca/lrb/forms/#landlord-forms>.

Can the Request to Review an Order be made in the form of a letter rather than on the form?

The Board will accept a letter as a request to review an order however, it must include specific information such as the order number, the address of the rental unit, name, address and telephone number and signature of the person requesting the review. It must also set out the reason the order should be reviewed and the remedy requested.

How will the other parties be informed?

The Board will send a copy of the request, along with the Notice of Review Hearing to the parties.

What types of orders can be reviewed?

Orders resulting from a hearing, set aside orders and interim orders which make a final decision about a party's rights can be reviewed.

In situations concerning an eviction order, will the eviction occur if a Request to Review an Order is filed?

The party requesting the review must also request that a stay of the order be made to prevent the eviction from occurring. The party must explain the reasons for this request and the consequences the party may suffer if the order is not stayed. The Landlord and Tenant Board Member may stay an order and at any time decide that the stay is no longer appropriate and revoke it.

What happens after a landlord files the Request to Review an Order?

In most cases a Vice-Chair will conduct a **preliminary review** of the request. The Vice-Chair may assign the preliminary reviews to a senior LTB Member. The Associate Chair may also conduct preliminary review. The preliminary review will be based on the contents of the request and the order, without seeking submissions from the other party and without holding a hearing. The adjudicator may deny the request immediately or schedule a hearing if it is determined that the order may contain a serious error.

If the adjudicator finds that it is necessary to hear submissions from the parties before making a decision whether there is a serious error in the order, a hearing will be scheduled immediately and the adjudicator will consider whether to allow a review as a preliminary matter at the hearing.

What happens if the Landlord and Tenant Board finds a serious error in the order?

If the Board finds that there is a serious error in the order, it may decide that all or some of the issues raised in the request and any potential errors identified by the reviewing member should be reviewed, with submissions from both parties.

How is the review conducted?

The Landlord and Tenant Board may conduct a review in writing, by telephone or other electronic means. If the order was resolved by a hearing, the review will be decided by an adjudicator. It may take up to 2-6 weeks for the review to begin.

What if the Landlord and Tenant Board finds no serious error in the order?

If no serious error is found, the Board will issue a decision denying the Request to Review an Order. A brief statement of the reasons for the decision will be given to the party requesting the review.

What is the fee for this request?

The Landlord and Tenant Board requires a fee of \$58 be paid when filing a Request to Review an Order. If the request to review is granted the LTB may refund the fee. The LTB will not process your request unless you pay the fee. If you mail or courier the request, you can pay the filing fee by money order, certified cheque, or by credit card. If you pay online, email your receipt and request to LTBpayments@ontario.ca.

What if a party is not satisfied with the outcome of a Review Hearing?

If the order contains an error in law, an appeal of the order can be filed in Divisional Court. The Appeal must be filed within 30 days of the order being issued.

** For additional information refer to:

- Interpretation Guideline #8 available at:
<https://tribunalsontario.ca/documents/ltb/Interpretation%20Guidelines/08%20-%20Review%20of%20an%20Order.html>
- Instructions: Request to Review an Order available at:
[https://tribunalsontario.ca/documents/ltb/Other%20Forms/Request to Review an Order Instructions.html](https://tribunalsontario.ca/documents/ltb/Other%20Forms/Request%20to%20Review%20an%20Order%20Instructions.html)
- Rule 26 available at:
<https://tribunalsontario.ca/documents/ltb/Rules/LTB%20Rules%20of%20Procedure.html#r26>

The **Residential Tenancies Act Fact Sheets** are intended to help landlords learn and understand their rights and responsibilities.

They provide general information not legal advice.