



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

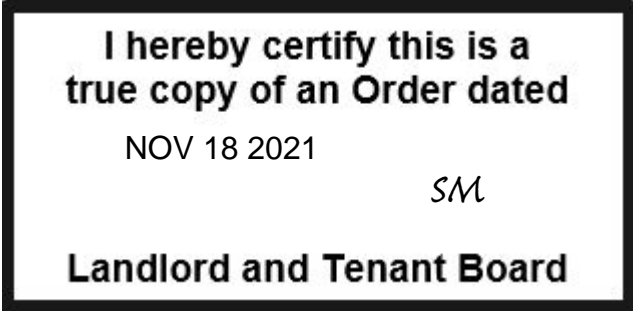
File Number: TSL-19801-21-RV

In the matter of: UPPER UNIT, 1869 GERRARD STREET EAST
TORONTO ON M4L2B8

Between: Anna Karagianis

and

Shannon Woods



Landlord

Tenant

Review Order

Anna Karagianis (the 'Landlord') applied for an order to terminate the tenancy and evict Shannon Woods (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent; and because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date. This application was resolved by order TSL-19801-21 issued on November 2, 2021.

On November 17, 2021, the Tenant requested a review of the order.

The Tenant alleged that they were not reasonably able to participate in the proceedings.

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

Determinations:

1. In their review request the Tenant alleges that he was not reasonably able to participate in the proceedings. The Tenant's request does not contain a detailed explanation of why he could not attend the hearing held on July 27, 2021, but rather provides very vague statements regarding "Covid impacting all aspects of his life...during this time." The Tenant makes no reference to dates that Covid may have impacted his live or to the hearing date and why he could not attend the hearing.
2. On the basis of the limited submissions made in the request, I am not satisfied that that Tenant was not reasonably able to participate in the hearing.
3. The Tenant has not provided details or reasons as to why he failed to attend at the hearing on July 27, 2021. The review request contains no explanation of why he was unable to attend the hearing by either video conference or telephone on that particular

day, or why he was unable to have someone call into the video conference line to represent him.

4. Rule 26.8(e) of the Board's Rules of Procedure states that a party requesting a review must provide a detailed explanation of why they were not reasonably able to participate in the hearing. This review request lacks such detail as the Tenant provides no reasonable explanation as to what stopped him from attending the hearing or from sending a representative.
5. The Tenant does not state that he was unaware of the proceedings, he does not state that on the specific day of the hearing he was unable to attend the video hearing, but rather that his children were exposed to Covid during the "general time period", which required him to be tested for Covid. He states it was "virtually impossible to attend" the video hearing having been "exposed" to Covid.
6. The Board mailed the Notice of Hearing and the Landlord's application to the Tenant on May 26, 2021 and the Landlord's application was heard on July 27, 2021. The Board's package was not returned by Canada Post. Under the *Residential Tenancies Act, 2006* (the 'Act') a mailed document is deemed to be received 5 days later and an emailed document on the same day. I would note the Notice of Hearing was also emailed to the Tenant by the Board.
7. The Board's Notice of Hearing delivered to the Tenant clearly states several warnings to the Tenant regarding the importance of attendance at the hearing, including the following:
 - The **Landlord** has filed an application with the Landlord and Tenant Board (LTB) to evict the Tenant.
 - **THIS HEARING WILL DEAL WITH A POSSIBLE EVICTION FROM THE RENTAL UNIT**
 - *****It is very important for you to attend the hearing. If you are late, or if you do not attend your hearing, it may take place without you.*****
 - **WHAT MAY HAPPEN IF YOU DO NOT ATTEND THE HEARING:** If you are the tenant and you do not attend the hearing or send a representative, the LTB may hold the hearing without you and make a decision based on only the landlord's evidence.
8. On the basis of the Tenant's review request and the Board's file, I find that the Tenant was served with the Notice of Hearing, was aware of the hearing date, and was made aware of the possible consequences if he failed to attend the hearing and not have a representative attend on his behalf.
9. I find that the Tenant had a reasonable opportunity to participate in the proceedings but chose not to do so or to have a representative attend; the Tenant chose to ignore the eviction proceedings initiated by the Landlord.

10. As stated by the Court in *Q Res IV Operating CP Inc. v. Berezovs'ka* 2017 ONSC 5541 (CanLII) “[I]f parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely cost-effective and final orders”.
11. The review request is denied in accordance with Rule 26.9(c) of the Board’s Rules of Procedure because the grounds for considering a review are not satisfied.

It is ordered that:

1. The request to review order TSL-19801-21 issued on November 2, 2021 is denied. The order is confirmed and remains unchanged.



November 18, 2021
Date Issued

Nicola Mulima
Member, Landlord and Tenant Board

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