

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

File Number: NOL-34465-18-RV

In the matter of: 408, 634 LASALLE BOULEVARD
SUDBURY ON P3A1X4

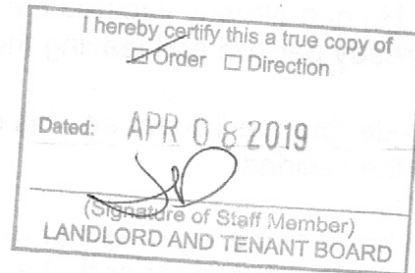
Between: Bocan Enterprises Inc

and

Allan Wourinen

Landlord

Tenant



Review Order

Bocan Enterprises Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Allan Wourinen (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order NOL-34465-18 issued on February 5, 2019.

On March 4, 2019 the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 5, 2019 interim order NOL-34465-18 -IN was issued, staying the order issued on February 5, 2019.

The Tenant's request was heard on March 26, 2019. The Tenant and the Landlord's agent, Jovana Nikolic, attended the hearing.

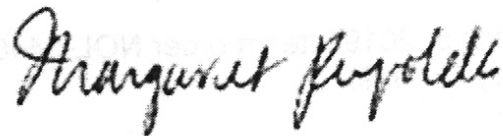
Determinations:

1. I listened to the submissions related to the review request and based on the reasons that follow I am not granting the request to review the order.
2. On balance I don't believe the Tenant when he claims that he did not receive the Notice of Hearing sent to him on December 10, 2018.
3. This is not credible because by his own admission, the Tenant moved out of the unit on or about mid-November and left his 23 year old daughter to remain in the unit. The Board received no returned mail from the Tenant and the Tenant appears to have received other documents sent by the Board including the Sherriff's order for eviction as well as the notice for this request for review hearing.

4. Furthermore, I have my suspicions that the Tenant thought the hearing he was missing on December 11, 2018 would give rise to a further delay to allow more time for his daughter to remain in the unit.
5. At the hearing, all he could say that he wanted to pay the Landlord by way of a payment plan however it was only later in the hearing that he admitted that he had left the unit four months ago and that it was his daughter living in the unit and that it was his daughter who did not pay the rent.
6. I believe therefore, he launched the review request having no intention to pay the rent owing. He had already vacated the unit. Indeed the Tenant's daughter admitted that she was already packed and leaving the unit in a few days.
7. I conclude that the Tenant and his daughter did receive the notice and chose not to attend the hearing.
8. On the basis of the submissions made in the request, , I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings

It is ordered that:

1. The request to review order NOL-34465-18 issued on February 5, 2019 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 5, 2019 is cancelled. The stay of order NOL-34465-18 is lifted.



April 8, 2019
Date Issued

Margaret Reynolds
Member, Landlord and Tenant Board

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

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