



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

File Number: LTB-L-051331-22-RV

In the matter of: 5, 390 MAIN STREET
MATTAWA ON P0H1V0

Between: 9328335 Canada Inc

And

Brody Belanger

I hereby certify this is a
true copy of an Order dated
APR 11, 2023
Landlord and Tenant Board

Landlord

Tenant

Review Order

9328335 Canada Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Brody Belanger (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-051331-22 issued on March 27, 2023.

On April 6, 2023, the Tenant requested a review of the order

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

Determinations:

1. The Tenant's request for a review is based on the ground of being not reasonably able to participate in the proceedings.
2. The hearing that gave rise to the order under review took place on October 12, 2022. The Tenant did not attend and the Tenant did not send a representative.
3. In the review request, the Tenant states that they were unable to attend the hearing because they had to work from 7:30 am to 4:00 pm on the date of the hearing. The Tenant states that when they became aware of the date of the hearing they called the Board and a representative of the Board said they would get back to the Tenant.
4. The Board has a procedure in place whereby a party or a representative who is unable to attend a hearing may make a request to reschedule the hearing. If the Tenant called the Board the Tenant would have been informed of this procedure and told that if the Board does not reschedule the hearing it will proceed as scheduled. The notice of hearing also informs the parties that if they do not attend the hearing will proceed as scheduled.
5. The Divisional Court has repeatedly affirmed that parties to an application are required to follow the Board's process to reschedule or adjourn a hearing: *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807 (Div. Ct.) (CanLII); *Wang v. Oloo*, 2023 ONSC 1028 (Div. Ct.) (CanLII). In this case the Tenant did not file a request to reschedule the hearing.

6. The Tenant therefore did not comply with the Board's process to reschedule or adjourn a hearing.
7. There is no record that the Tenant contacted the Board prior to the hearing date. The Tenant's description of their phone call with a Board representative does not make sense. Further, in a narrative attached to the review request, the Tenant states that they took time off of work to attend to a maintenance issue in the unit, demonstrating that they are able to take time of work when required.
8. On the basis of the submissions made in the request, I am not satisfied that the Tenant was not reasonably able to participate in the hearing that took place on October 12, 2022. The request to review the order dated March 27, 2023 must therefore be denied.

It is ordered that:

1. The request to review order LTB-L-051331-22 issued on March 27, 2023 is denied. The order is confirmed and remains unchanged.

April 11, 2023
Date Issued



Renée Lang
Vice Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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