



## Bhura v. Harris, 2024 ONSC 2399 (CanLII)

Date: 2024-04-25

File 722/23

number:

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**Divisional Court File No.:** 722/23

**Date:** 20240425

**SUPERIOR COURT OF JUSTICE – ONTARIO  
DIVISIONAL COURT**

**BETWEEN:**

SAEED BHURA, Landlord/Respondent /Moving Party

**AND:**

GEORGE HARRIS, Tenant/Appellant

**BEFORE:** Leiper J.

**COUNSEL:** *T. Duggan* for the Landlord/Respondent/Moving Party  
*A. Solomon* for the Landlord and Tenant Board

*George Harris*, Self-Represented Tenant/Appellant/Responding Party

**HEARD:** In writing on April 23, 2024

### **ENDORSEMENT**

[1] The landlord brings a motion in writing to lift the automatic stay of relief because of the tenant's delay in pursuing his appeal from an order of eviction by the Landlord and Tenant Board for the premises at 111 Elizabeth Street, Suite 1211, Toronto, Ontario M5G 1P7.

[2] This court made a case management order on January 19, 2024, in which Justice Matheson directed that:

- a. the outstanding arrears of rent as of the date of the case conference exceeded \$40,000.00;
- b. the Tenant was required to pay his monthly rent, plus \$3,000.00 per month toward the accrued arrears of rent, on or before the first day of each month starting on February 1, 2024;
- c. these amounts were to be paid by e-transfer to LDDC; and
- d. the Tenant was required to perfect his appeal by no later than March 18, 2024.

[3] The evidence filed on this motion consists only of material from the Landlord. The Tenant was provided with time to respond and has not provided any responding material.

[4] As of March 26, 2024, the Tenant had paid the amounts required to be paid by the case management order of January 19, 2024. However, he has not perfected his appeal, nor has he provided confirmation that he has ordered the transcripts that are

required for him to perfect his appeal. It is now 30 days past the deadline for him to perfect his appeal.

[5] The court has jurisdiction to grant such relief pursuant to 134(3) of the *Courts of Justice Act*, RSO 1990, c C-34 as amended; and Rule 61.13 of the *Rules of Civil Procedure*, O Reg 575/07, s 6(1).

[6] The Tenant has not perfected his appeal, even after being served with the Landlord's motion to quash this appeal and after a further court direction providing him with time to respond. While he has paid his rent as ordered, which is acknowledged by the Landlord, he is required to move the appeal along so that it can be considered on the merits. He is now more than 30 days past the perfection date. He has not provided evidence that he has ordered the transcripts of the hearing.

[7] Based on the delay and lack of response to this motion, I grant the order lifting the stay of eviction, effective May 8, 2024. I dispense with the requirement of the tenant's consent to the form of that order.

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**Leiper, J.**

**Date:** April 25, 2024

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