



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

File Number: LTB-L-009052-22-RV

In the matter of: 319, 3078 SIXTH LINE
OAKVILLE ON L6M1P8

Between: Akram Elkeilani

And

Ahmad Amiri
Gabriela Klocova

I hereby certify this is a
true copy of an Order dated

Feb 6, 2023

Landlord and Tenant Board

Landlord

Tenants

Review Order

Akram Elkeilani (the 'Landlord') applied for an order to terminate the tenancy and evict Ahmad Amiri and Gabriela Klocova (the 'Tenants') because the Tenants did not pay the rent.

The Landlord's application was heard on August 17, 2022 and resolved by an order issued on January 3, 2023 (the 'Hearing Order'). Only the Landlord appeared on August 17, 2022.

On January 5, 2023, the Tenants requested a review of the Hearing Order based on the assertion that they were not reasonably able to participate on August 17, 2022 because they were out of the country due to a 'family loss'. While they did not say directly, the Tenants implied that they were not aware that a hearing was taking place on August 17, 2023. The Tenants asserted that they had relevant evidence.

On January 9, 2023, an interim order (the 'Interim Order') was issued directing the Tenants' request to a hearing and staying the Hearing Order.

This application was heard by videoconference on January 30, 2023. Only the Landlord attended the hearing.

The Tenant filed no evidence. There is nothing from the Tenants to indicate what evidence they have that is relevant to the issue of whether they owe rent to the Landlord or the analysis the LTB is required to make under section 83 of the *Residential Tenancies Act, 2006* (the 'Act').

The Tenants have not asserted rights under section 82 of the Act that might result in a reduction of the rent they owe to the Landlord. It is too late for them to do that now.

The evidence filed by the Landlord indicates, and I find, that the Tenants received a copy of the notice of hearing for the hearing on August 17, 2022 via text message and received the Landlord's evidence via e-mail in advance of August 17, 2022.



Notwithstanding receiving the notice of hearing for August 17, 2022, the Tenants did not request that the hearing be rescheduled.

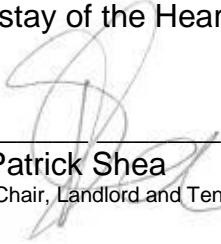
Given that the hearing took place by videoconference on Zoom and a dial-in option was available, the fact that the Tenants might not have been in Canada on August 17, 2022—there was no evidence from the Tenants to support the assertion that they were not in Canada—is not, in my view, a reasonable excuse for not attending the hearing.

The Tenants have not paid rent for some time. The L1/L9 Information Update the Landlord filed indicates that the Tenants have paid \$0 since June 1, 2022 and the Landlord is now owed \$34,636.00.

It is ordered that:

1. The request to review the Hearing Order is denied. The Hearing Order is confirmed and remains unchanged.
2. The Interim Order issued is cancelled and the stay of the Hearing Order is lifted immediately.

February 6, 2023
Date Issued



E. Patrick Shea
Vice Chair, Landlord and Tenant Board

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

