



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

**File Number:** TEL-17606-21-RV

**In the matter of:** 108 PINERY TRAIL  
SCARBOROUGH ON M1B6C1

**Between:** Sujeeva Mahendran Landlord

**and**

Jafari Moore Tenants  
Stephanie Wilson

2021 CanLII 150077 (ON LTB)

**Review Order**

Sujeeva Mahendran (the 'Landlord') applied for an order to terminate the tenancy and evict Jafari Moore and Stephanie Wilson (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order TEL-17606-21 issued on October 6, 2021.

On October 6, 2021, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On October 7, 2021 interim order TEL-17606-21 -IN was issued, staying the order issued on October 6, 2021.

The request was heard by video/teleconference on December 2, 2021.

The Landlord's legal representative, A. Santhiralingam, and the Tenant, Stephanie Wilson (SW), attended the hearing. SW attended the hearing on behalf of both named Tenants. SW consulted with tenant duty counsel before the hearing.

**Determinations:**

1. SW submitted that the Tenants were not reasonably able to participate in the proceedings because SW had a full day job training on the day of the hearing, September 1, 2021, and, as such, she could not attend the hearing. SW also submitted that the other Tenant was working that day and could not take time off work to attend the hearing.

2. SW submitted, and the Board record indicates, that on August 24, 2021 she sent a request to the Board to reschedule the hearing on September 1, 2021 because she had job training.
3. SW did not obtain consent of the Landlord to reschedule the hearing, and, as such, her request was denied. SW was aware that a decision would be rendered in her absence. SW did not provide a reasonable explanation as to why she could not have taken a break during her job training, or why the other Tenant could not attend the hearing, be it even for a brief period, to seek an adjournment if necessary. Board hearings are conducted by electronic means and, as such, are accessible remotely by computer or telephone. I am of the view that the Tenants had a reasonable opportunity to participate in the proceedings if they chose to do so. However, it appears that in this case, the Tenants chose not to attend the hearing at all.
4. As such, I find that the Tenants were reasonably able to participate in the proceedings; however, they chose not to attend the hearing.
5. I also note that the Tenants have not paid any rent to the Landlord since June 2021 and the arrears at the time of the review hearing amounted to \$21,000.00.
6. In conclusion, based on the evidence and the submissions before me, 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 TEL-17606-21 issued on October 6, 2021 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on October 7, 2021 is cancelled. The stay of order TEL-17606-21 is lifted.



**December 31, 2021**

**Date Issued**

Toronto East-RO  
2275 Midland Avenue, Unit 2  
Toronto ON M1P3E7

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Jana Rozehnal

Member, Landlord and Tenant Board