



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

**File Number:** SWT-44885-20-RV

**In the matter of:** 6, 206 HEIMAN STREET  
KITCHENER ON N2M3M3

**Between:** Cassandra Taylor Tenant

**and**

Josif Ritu Landlord

**Review Order**

Cassandra Taylor (the 'Tenant') applied for an order determining that Josif Ritu (the 'Landlord'), gave a notice of termination in bad faith.

This application was resolved by order SWT-44885-20-RV issued on April 29, 2021.

On May 30, 2021, the Landlord requested a review of the order.

The request was heard by teleconference on August 10, 2021.

The Tenant and the Landlord's representative D. Ritu attended the hearing.

**Determinations:**

Review

1. The Landlord'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 April 6, 2021. The Landlord did not attend, nor did he send a representative.
3. At the review hearing the Landlord's representative testified that she is responsible for legal proceedings arising from the tenancy and that she did not receive any notice of the hearing that took place on April 6, 2021.
4. The Tenant testified that she send the Landlord's representative emails prior to the hearing attaching evidence for the hearing. The Landlord's representative testified that she received no emails that clearly stated there was a hearing on April 6, 2021. None of

the emails upon which the Tenant relied clearly stated there was a hearing scheduled for April 6, 2021.

5. Based on the above, at the hearing I found, on a balance of probabilities, that the Landlord did not receive notice of the hearing that took place on April 6, 2021. I then found that the Landlord was not reasonably able to participate in the proceedings and so I granted the review request. A hearing of the Tenant's T5 application proceeded *de novo*.

T5 application

6. The parties resolved the T5 application on consent.

**It is ordered that:**

1. Order SWT-44885-20-RV, issued on April 29, 2021, is cancelled and replaced by the following order on consent:
2. The Landlord shall pay to the Tenant \$4,000.00 on or before September 10, 2021 by electronic transfer.



**September 2, 2021**

**Date Issued**

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Renée Lang

Member, Landlord and Tenant Board

South West-RO  
150 Dufferin Avenue, Suite 400, 4th Floor  
London ON N6A5N6

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