



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

File Number: NOL-42105-21-RV

In the matter of: 256 HEATH COURT
THUNDER BAY ON P7E6G2

Between: Shelter Canadian Properties Limited Landlord

and

Frank Costa Tenants
Trisha Thomson

Review Order

Shelter Canadian Properties Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Trisha Thomson and Frank Costa (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order NOL-42105-21 issued on July 8, 2021.

On July 25, 2021, the Tenants requested a review of the order.

The request was heard via video conference on October 19, 2021.

The Landlord's legal representative, Kristofer Evans, attended the hearing. The Tenant, Trisha Thomson and her legal representative, Allister McGillivray attended the hearing.

Ms. Thomson stated that her name was not spelled correctly on the application and that the other Tenant, Frank Costa no longer lives in the unit.

The Landlord's application was amended to reflect the correct spelling of the Tenant's last name.

Determinations:

1. The issue to be determined by the Board on the request for review is whether the Tenant was not reasonably able to participate at the hearing on June 24, 2021.
2. The Tenant testified that she was unable to participate at the hearing on June 24, 2021 as she did not have a computer and her code did not work. She called the Board and advised that her code did not work and was placed on hold. The Tenant stated that she tried to connect to the hearing on three occasions but could not be connected.

3. As I stated at the hearing, the Board's file shows an email from the Tenant on June 24, 2021 at 2:01 p.m. that the Tenant was having difficulty connecting to the hearing.
4. Based on the evidence before me, I find it more likely than not that the Tenant intended to participate at the hearing but had difficulties connecting to the hearing.
5. I granted the review and proceeded to a *de novo* hearing of the Landlord's L1 application.

L1 application:

6. The monthly rent for the period July 1, 2019 to December 31, 2019 was \$1,196.98.
7. As I stated at the hearing, the Landlord's Form N4 Notice of Termination did not accurately reflect the monthly rent for July 2019 to December 2019, and is therefore, defective.
8. The Landlord sought to terminate the tenancy, and a tenancy cannot terminate on a defective notice.

It is ordered that:

1. Order NOL-42105-21 issued on July 8, 2021 is cancelled and replaced by the following:
2. The Landlord's application is dismissed, without prejudice.

November 10, 2021

Date Issued



Debbie Mosaheb

Member, Landlord and Tenant Board

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

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