

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

File Number: SWL-79214-15-RV

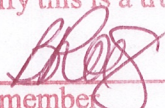
**In the matter of:** 2, 103 KING EDWARD AVENUE  
LONDON ON N5Z3T2

**Between:** 2408700 Ont Inc

I certify this is a true copy of the order

Landlord

and

  
Staff member

Sarah Kneel  
Shawn Ditrich

Dated: NOV 04 2015

Tenants

Landlord and Tenant Board

### Review Order

2408700 Ont Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Sarah Kneel (SK) and Shawn Ditrich (SD) (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order SWL-79214-15 issued on October 7, 2015.

On October 16, 2015, the Tenant SD requested a review of the order asserting that he had not been reasonably able to participate in the hearing because he had never received the Notice of Hearing because the mailbox in the building is locked and the only person who has access to it is the Landlord. He said that the Landlord had failed to deliver the Notice of Hearing to him.

On October 19, 2015, interim order SWL-79214-15 -IN was issued, staying the order issued on October 7, 2015.

The Tenant's Request for Review was heard in London on November 3, 2015.

The Landlord attended the hearing. As of 10:10 a.m., neither of the Tenants was present or represented at the hearing nor had either of them signed the attendance record. At 10:55 a.m. SD identified himself to the commissionaire. He said that he had arrived "a little late" due to a medical emergency of a neighbor.

### Determinations:

1. Since no one was present to represent the Tenants when the matter was called for hearing, even though it was the Tenants' Request for Review, I allowed the Landlord to give evidence in support of his position that the Tenants were aware of the hearing date. The Landlord testified that he had placed a copy of the Notice of Hearing in the Tenants'

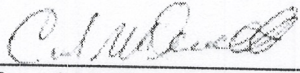
mailbox on about October 27<sup>th</sup>, 2015, and that the mailbox is not locked but is fully accessible to the Tenants. He entered as Exhibits L1 and L2 photographs of mailboxes on the front of the building and noted that the number 2 mailbox belongs to the Tenants. The boxes do not have locks and some are open displaying quantities of mail.

2. I was concerned that there appeared to be an error in the address to which the Board sent the Notice of Hearing of the Request for Review Hearing to SD. However, the address to which the Board sent the Notice of Hearing to SK was correct. As well, SD was advised by telephone that his Request for Review had been granted and was scheduled to be heard on November 3, 2015.
3. Since neither the Tenant, SD, who filed the Request for Review, nor the other Tenant, SK, attended the hearing to support the Request for Review, I find that this Request for Review has been abandoned.
4. On the basis of the submissions made in the request, 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 SWL-79214-15 issued on October 7, 2015, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on October 19, 2015, is cancelled. The stay of order SWL-79214-15 is lifted.

**November 4, 2015**  
**Date Issued**

  
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Carol McDermott  
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.