



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

File Number: TNL-31376-21-RV

In the matter of: BASEMENT, 22 CHELMSFORD AVENUE W
NORTH YORK ON M2R3W6

Between: Yuan Tai Shek Landlords
Yuan Fung Wilson Shek

and

Ancil Smith Tenant

Review Order

Yuan Tai Shek and Yuan Fung Wilson Shek (the 'Landlords') applied for an order to terminate the tenancy and evict Ancil Smith (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order TNL-31376-21 issued on August 16, 2021.

On August 31, 2021, the Tenant requested a review of the order, alleging: he was not reasonably able to participate in the July 19, 2021 hearing; and the order contains a serious error(s).

A preliminary review of the review request was completed without a hearing.

Determinations:

“Claim: not reasonably able to participate”

1. The Tenant did not attend the hearing that took place on July 19, 2021. In the review request, the Tenant states he was unable to attend the hearing but offers no other details or explanation as to why.
2. For a claim of “not reasonably able to participate”, the requesting party “*must provide a detailed explanation why the requestor was unable to participate in the proceeding and satisfy the LTB he or she genuinely intended to participate*”. (Ref: Interpretation Guideline 8).
3. The Board’s legal records certify that the Notice of Hearing package was mailed to the Tenant and is deemed have been served on June 13, 2021. The Notice of Hearing package included sufficient information on how to participate in the hearing by video or telephone, and provided contact information should the Tenant wish to contact the Board.

- 4. The Tenant had just more than a month of time to prepare for the July 19, 2021 Board hearing. There is no record of any communication to the Board by the Tenant (or a representative) about being able to participate in the July 19, 2021 hearing.
- 5. On the basis of the submissions made in the review request, I am not satisfied that the Tenant did not have a reasonable ability to participate in the hearing, and am refusing his review request on this claim.
- 6. As stated by the Court in *Q Res IV Operating CP Inc. v. Berezovs'ka 2017 ONSC 5541*, “[I]f parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely cost-effective and final orders.”

“Claim: serious error(s) in the August 16, 2021 order”

- 7. The review request provides details by the Tenant regarding his personal -- employment and health -- circumstances, and his firm intention to try to maintain his tenancy by wanting to enter into some repayment plan. However, nothing in the review request provides any claim that the Board order actually contains a serious error.
- 8. I also note the Tenant submitted to the Board on September 15, 2021 a follow-up emailed message asking into the status of his review request. In that emailed message, I note the Tenant supplements his review request by providing more information about his personal circumstances. Nothing in that email addresses either claim raised in the review request.
- 9. On the basis of the submissions made in the review request, therefore, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.
- 10. The Tenant’s review request is denied in accordance with Rule 26.9(c) of the Board’s Rules of Procedure because the grounds for considering a review are not satisfied.

It is ordered that:

- 1. The request to review order TNL-31376-21 issued on August 16, 2021 is denied. The order is confirmed and remains unchanged.



Alex Brkic
Member, Landlord and Tenant Board

September 17, 2021
Date Issued

Toronto North-RO
47 Sheppard Avenue East, Suite 700, 7th Floor
Toronto ON M2N5X5

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