



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

**Citation:** Knight's Village Non-Profit Homes Inc v Lyons, 2024 ONLTB 2662  
**Date:** 2024-01-05  
**File Number:** LTB-L-006050-23-RV-BIR

**In the matter of:** 102, 27 Durnford Road  
Scarborough ON M1B5T4

**Between:** Knight's Village Non-Profit Homes Inc Landlord

**And**

Enzalee Lyons Tenant

### Review Order

Knight's Village Non-Profit Homes Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Enzalee Lyons (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-006050-23 issued on May 5, 2023.

On May 11, 2023, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On May 12, 2023 interim order LTB-L-006050-23-RV-IN was issued, staying the order issued on May 5, 2023.

The request was heard on by videoconference on June 5, 2023, the Tenant did not attend and as a result the review was dismissed as abandoned. The stay on the order dated May 5, 2023 was also lifted.

Order LTB-L-006050-23-RV-BIR-IN issued on October 18, 2023 initiated a Board Review of this matter as there was no record in the Board file confirming that the Tenant was served with the Notice of Review Hearing for June 5, 2023, required the Tenant to pay accruing rent commencing November 1, 2023, and stayed the order issued on May 5, 2023,

This Board Initiated Review was heard by videoconference on December 4, 2023.

The Landlord's Legal Representative, S. Fleury, the Landlord's Agent, Bryan Noble, the Tenant's Legal Representative, J. Brakohiapa, and the Tenant attended the hearing.

**Determinations:**

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1. This Review was initiated by the Board as there was no record of the Notice of Hearing for June 5, 2023 based on her request for a Review being sent to the Tenant. Therefore, the Tenant's request for review was not properly hearing. In her request, the Tenant submitted she was not reasonably able to participate in the hearing on April 26, 2023 as she did not receive that Notice of Hearing.
2. The Tenant was evicted from the rental unit on October 3, 2023. Consequently, I was satisfied that the Tenant was not required to comply with order LTB-L-006050-23-RV-BIR-IN issued October 18, 2023 with respect to payment of accruing rent for November and December 2023.
3. On the basis of the evidence and submissions before me, I am not satisfied that the Tenant was not reasonably able to participate in the hearing on April 26, 2023 for the following reasons.
4. The Tenant stated that she was having issues with her mail for the past year and has on occasion found her mailbox open/unlocked. The Tenant confirmed that she did not report this issue prior to July 2023.
5. The Tenant also confirmed that she received the N4 Notice of Termination in October 2022 and the Order issued May 5, 2023, which were sent via regular mail.
6. The Board mailed the Notice of Hearing for April 26, 2023 to the Tenant on March 15, 2023. It was shortly after this date that the Tenant contacted the Landlord's Agent to initiate negotiations on the outstanding rent. The Tenant then met in person with the Landlord's Agent and they reached a repayment plan.
7. The Landlord's Agent stated that he confirmed with the Tenant when they met that she would have to attend the hearing for them to present the repayment plan. He also stated that he called the Tenant and left messages on April 1, 10, and 17, 2023 reminding her to attend the hearing to firm up their repayment plan. He further stated that the Tenant did not keep to the repayment plan negotiated.
8. Based on the evidence before me, I was not satisfied that the Tenant was not reasonably able to participate in the hearing on April 26, 2023. The Notice of Hearing was mailed to the Tenant on March 15, 2023. Despite the Tenant alleging an issue with her mail or mailbox, the Tenant took no steps to address or report this issue to the Landlord or anyone else until July 2023.

9. While it was not disputed that the Landlord sent letters monthly to the Tenant regarding her outstanding rent arrears, specifically each month from October 2022 to March 2023, I find it more likely than not that the Tenant only reached out in the month of March 2023 due to receiving notice of an upcoming hearing.
10. The Landlord's Agent met with the Tenant in person and advised her that she had to attend the hearing and followed up with three telephone calls wherein he left messages advising her to attend the hearing. I find it unlikely that if the Tenant was not aware of the hearing date that she would not have mentioned it to the Landlord's Agent during their discussion or reached out after these messages.
11. Consequently, the Tenant's request to Review is denied.

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**It is ordered that:**

1. The request to review order LTB-L-006050-23 issued on May 5, 2023 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on October 18, 2023 is cancelled. The stay of order LTB-L-006050-23 is lifted immediately.

**January 5, 2024**  
**Date Issued**

Lisa Del Vecchio  
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor Toronto  
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.