



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

**Citation:** Chaudhry v Martin, 2024 ONLTB 60360

**Date:** 2024-08-09

**File Number:** LTB-L-060732-23-RV

**In the matter of:** 1 HUNTER'S COVE  
BRAMPTON ON L6S1S3

**Between:** Samina Chaudhry Landlord

**And**

Rosharn Martin Tenant  
Sean Martin

### Review Order

Samina Chaudhry (the 'Landlord') applied for an order to terminate the tenancy and evict Rosharn Martin and Sean Martin (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard on June 20, 2024. The Landlord did not attend the proceeding. The application was resolved by order LTB-L-060732-23, issued on July 8, 2024. The Board determined the Landlord abandoned the matter and dismissed the application.

On August 7, 2024, the Landlord requested a review of the order.

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

#### Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that the Landlord was not reasonably able to participate in the proceeding.
2. The Landlord acknowledges receiving the Board's notice of the June 20, 2024 hearing. The Landlord explains they did not attend because of an overseas family wedding. The Landlord writes in the review request that they submitted a request to reschedule the hearing, but the Landlord states they were not aware of, or did not receive, a response to

the request. The Landlord did not attend the online proceeding in person, or by representative/agent, to request an adjournment.

3. A party to a Board application is required to attend the scheduled Board hearing. In *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807 (Div. Ct.) (CanLII) and *Wang v. Oloo*, 2023 ONSC 1028 (Div. Ct.) (CanLII), the Court affirmed that a party must comply with the Board's process to reschedule or adjourn the hearing if the party is not reasonably able to attend and participate in the proceeding.
4. Here, although the Landlord submitted a request to reschedule the June 20, 2024 hearing, the request was not made with the Tenant's consent as required by Rule 21.1 of the Board's Rules of Procedure. The Board's June 13, 2024 Member Endorsement denying the Landlord's request to reschedule the hearing was therefore reasonable and consistent with the Rule.
5. The Landlord writes in the review request that they were not aware that the Board denied the Landlord's request to reschedule the June 20, 2024 hearing. It is clear, however, that the Board did not approve the Landlord's request to reschedule the hearing. The Board did not give the parties a notice that the June 20, 2024 hearing had been rescheduled. The Landlord was therefore still required to attend the scheduled Board proceeding. The Landlord, however, elected not to do so.
6. In the review request, the Landlord does not claim they did not have internet access on the hearing date. The Landlord could therefore have joined the proceeding, even if only briefly, to request an adjournment, per Rule 21.7. In the alternative, the Landlord could have had an agent or legal representative attend the hearing to give evidence in support of an adjournment request. The Landlord does not explain in the review request their omission to do so.
7. Keeping in mind the Divisional Court's decisions in *Lacroix* and *Wang*, I find that the Landlord has not demonstrated that they were not reasonably able to participate in the June 20, 2024 Board proceeding. Although the Board did not approve the Landlord's request to reschedule the hearing, the Landlord decided not to attend in person or by agent to participate in the proceeding. The Landlord's decision was not reasonable and does not represent good cause to review the July 8, 2024 Board order. The Landlord's omission to have a legal representative or agent attend on the hearing date to request an adjournment was also not consistent with the duty to exercise reasonable diligence to participate in a Board proceeding: *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII).
8. The Landlord has therefore not demonstrated that they were not reasonably able to participate in the Board proceeding. The Landlord's request to review the July 8, 2024 order, and to re-hear the application, must accordingly be denied.

**It is ordered that:**

1. The request to review order LTB-L-060732-23, issued on July 8, 2024, is denied. The order is confirmed and remains unchanged.

**August 9, 2024**  
**Date Issued**

\_\_\_\_\_  
Harry Cho  
Vice Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor  
Toronto ON M7A 2G6

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