



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

File Number: LTB-L-005383-22-RV

In the matter of: 20, 72 WILLIAM ST
GUELPH ON N1E5E6

Between: Williams and McDaniel Property Management Landlord

And

Sara Royer Tenant

Review Order

Williams and McDaniel Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Sara Royer (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-005383-22 issued on October 25, 2022. The Tenant requested a review of the order. The Tenant's request for a review was granted by order LTB-L-005383-22-RV-IN2 issued on December 13, 2022. The Landlord's application was sent to a *de novo* hearing on a different date. After the *de novo* hearing, the Landlord's application was resolved by order LTB-L-005383-22, issued on August 8, 2023.

On August 30, 2023, the Tenant requested a review of order LTB-L-005383-22, issued on August 8, 2023.

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

Determinations:

1. The Tenant's request is based on the ground of being of being not reasonably able to participate in the hearing on July 27, 2023. The Tenant did not attend and no representative attended on behalf of the Tenant. The Tenant was incarcerated at the time.
2. It is clear from documents filed with the Board that the Tenant's mother received the Notice of Hearing and it is clear from the review request that the Tenant and her mother discussed the hearing date in advance of the hearing. The Tenant's mother attended the review hearing for the previous review request and has filed several submissions to the Board for both review requests. The Tenant does not explain why her mother did not attend the *de novo* hearing, other than to say that her mother was not aware that this was necessary. The Notice of Hearing states that the Tenant may send a representative to speak on her behalf and also states that if neither the Tenant nor a representative attend, the matter will be decided in their absence. This was sufficient to put the Tenant and her

mother on notice that the Tenant's mother should attend the hearing. I am not satisfied that the Tenant's mother, who was acting as her representative, could not attend the hearing.

3. On the basis of the submissions made in the request, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-005383-22 issued on August 8, 2023 is denied. The order is confirmed and remains unchanged.

August 31, 2023

Date Issued

Renée Lang

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.