



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

Citation: Taherali v Stafford, 2023 ONLTB 57243

Date: 2023-08-16 File Number: LTB-
L-056856-22-RV

In the matter of: 410, 104 Garment Street
Kitchener ON N2G0C8

Between: Yusuf Taherali Landlord
Munira Taherali

And

Travis Stafford Tenant

Review Order

Yusuf Taherali and Munira Taherali (the 'Landlord') applied for an order to terminate the tenancy and evict Travis Stafford (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-056856-22 issued on April 26, 2023. Only the Landlord and the Landlord's Legal Representative, J. Dean attended the hearing.

On May 5, 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 9, 2023 interim order LTB-L-056856-22-RV-IN was issued, staying the order issued on April 26, 2023.

This application was heard in by videoconference on May 31, 2023.

The Landlord, Y. Taherali and the Landlord's Legal Representative, J. Dean and the Tenant attended the hearing.

Determinations:

1. The Tenant requested a review of order LTB-L-056856-22 on the basis that he did not receive the notice of hearing and was not reasonably able to participate in the hearing.
2. The Tenant testified that he received an envelope that was slipped under his door by the Landlord about 5 months ago concerning a different matter relating to the rental unit. He thought that

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everything was taken care of. He then got an order in the mail from the Board. He testified that there are about 60 mailboxes in the unit and who knows whether the notice got to his mailbox.

3. The Landlord's representative submits that at the hearing of the original application, Ms. Munro, who was a co-tenant, but was subsequently removed from the order, attended. The representative submits that while at the original hearing, Ms. Munro attended the Tenant's unit and banged on his door several times to try to wake him up.
4. Further, the representative submits that the Tenant was sent an email on April 5, 2023 that had a subject line that read: "LTB-L-056856-22, Hearing, April 12 at 9:00 am". An email dated April 5, 2023 was submitted as evidence.
5. In addition, the representative submits that the package that was received by the Tenant that the Tenant referred to in his testimony included a notice of hearing for the April 12, 2023 hearing. A letter dated March 14, 2023 was submitted as evidence.
6. 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.
7. The Board's records indicate the notice of hearing was mailed to the Tenant on March 6, 2023 deemed served March 11, 2023. There is no indication by way of returned mail that it wasn't sent. The Tenant did not testify that they have any issues in the regular course with receiving their mail.
8. Further to that, an email to the Tenant was sent on April 5, 2023 indicating the date and time of the hearing. The Tenant confirmed at the hearing that the email address used in that email is his email address.
9. As well, the package the Tenant confirms receiving in March 2023 included a copy of the notice of hearing as evidenced by the Landlord's documentation.
10. It is hard to fathom that of all the ways the notice of hearing was given to the Tenant, he did not receive any of them. For those reasons, the Tenant's request is denied.
11. The only matter left to be decided is when to lift the stay on the Order.
12. The Tenant requested 1 month to vacate the unit. He lives in the unit by himself and is unemployed.
13. The Landlord's legal representative requests that the stay be lifted immediately, and notes that the time to enforcement would give the Tenant ample time to vacate the unit. The representative submits that the arrears are substantial.
14. Given the timing of the issuance of this order, the stay will be lifted immediately.

It is ordered that:

1. The request to review order LTB-L-056856-22 issued on April 26, 2023 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on May 9, 2023 is cancelled. The stay of order LTB-L-056856-22 is lifted immediately.



August 16, 2023

Date Issued

Emily Robb

Member, 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.