

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

**Citation:** Drewlo Holdings Inc. v Carruthers, 2023 ONLTB 55292

**Date:** 2023-08-09 **File**

**Number:** LTB-L-033116-  
22-RV

**In the matter of:** 106, 1066 COMMISSIONERS RD W  
LONDON ON N6K3S3

**Between:** Drewlo Holdings Inc. Landlord

**And**

Tammy Carruthers Tenant

**Review Order**

Drewlo Holdings Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Tammy Carruthers (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was resolved by order LTB-L-033116-22 issued on February 8, 2023.

On February 24, 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 February 27, 2023 interim order LTB-L-033116-22-RV-IN was issued, staying the order issued on February 8, 2023.

This application was heard in by videoconference on March 20, 2023.

The Landlord's property manager Melissa Cornish, the Landlord's Legal Representative Tara Hess and the Tenant attended the hearing.

**Determinations:**

1. The basis of this request for review is that the Tenant were not reasonably to participate in the hearing held on January 31, 2023.
2. The request for review says:

“I was not reasonably able to participate in the hearing because I never received a Notice of Hearing informing me of my hearing date. I was aware that I am in arrears as I had recently lost my job, and have been working with Ontario Works to secure a plan to repay the arrears and had planned on presenting this information at the hearing when the time came. I check my mailbox often, however I did not receive anything in the mail informing me of my hearing date. I also did not receive anything via email or directly from my landlord informing me of my hearing date either. It is very important to me to preserve my tenancy as I am a mother of a young disabled child and as such I would certainly have attended the hearing had I been aware that it was taking place.”

3. On review of the Board’s record, the Tenant was served the notice of hearing of January 31, 2023 by mail on January 12, 2023, deemed delivered on January 17, 2023. There is no return of mail noted in the Board’s record.
4. The Landlord’s representative submitted that an evidence package was delivered to the Tenant on March 8, 2023 as placed under the Tenants door of the rental unit – a photo was evidenced to demonstrate the delivery of the package. The package contained among other documents, the notice of hearing (NOH). The rent arrears are high, as of the time of the hearing \$16,215.80 and that the last payment the Tenant had made was on May 20, 2022.
5. Shortly after the Landlord delivered the package at the Tenants door, the Tenant is witnessed opening the door to a Police Officer who was at the complex to address the Tenant’s involvement in car accident.
6. The Tenant submitted that she does not remember receiving the Landlord’s evidence package that contained the notice of hearing, submitted that the latch on the mail box may not be working and that she only found out about the hearing once she received the Sheriff’s enforcement notice.
7. Submitted into evidence were photos of the Tenant’s door and certificate of service (COS) for the delivery of the package by the Landlord’s property manager with time of delivery noted as 4:07 p.m. on March 8, 2023.
8. While the Tenant does not recall receiving a notice of hearing, she has not paid rent for over a year, has received a number of notice letters from the Landlord and has not complied with her repayment on obligations as per prior mediated Order issued on March 21, 2022, the arrears then were as significant and comparable to the current outstanding. The inconsistencies in the Tenants testimony and recall suggest the Tenant’s testimony cannot be relied on.
9. 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.

10. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

**It is ordered that:**

1. The request to review order LTB-L-033116-22 issued on February 8, 2023 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 27, 2023 is cancelled. The stay of order LTB-L-033116-22 is lifted immediately.

**August 9, 2023**

**Date Issued**

\_\_\_\_\_  
Alicia Johnson  
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.