



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

Citation: Gill v Gordon, 2023 ONLTB 47728

Date: 2023-06-26 **File Number:**
LTB-L-006252-23-RV

In the matter of: 6329 PERTH STREET
RICHMOND ON K0A2Z0

Between: Seerat Gill Landlord
Vincent Valcic

And

Jason Gordon Tenant
Melanie Gordon

Review Order

Seerat Gill and Vincent Valcic (the 'Landlord') applied for an order to terminate the tenancy and evict Jason Gordon and Melanie Gordon (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-006252-23 issued on June 19, 2023. The hearing was held by video conference on June 6, 2023 where the Landlords, their legal representative and the first named Tenant attended the hearing.

On June 23, 2023, the second named Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

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 there is a serious error in the order or that a serious error occurred in the proceedings, or that the requesting Tenant was not reasonably able to participate in the proceeding.
2. The Board record indicates that the requesting Tenant was mailed the Notice of Hearing on April 25, 2023, deemed served April 30, 2023.
3. The requesting Tenant does not dispute receipt of the notice of hearing. Rather, in the review request the Tenant states "Tenant Melanie Gordon was not able to participate in the

hearing.” The request also contains significant detail about the Tenant’s circumstances including but not limited to; homelessness, minor child, domestic violence, rent, parental responsibilities, other court matters, and difficulty with access for the hearing.

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4. I find that the Tenant’s submissions do not adequately explain the Tenant’s absence from the June 6, 2023 hearing.
5. In *Q Res IV Operating GP Inc. v. Berezovs’ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII), the Divisional Court affirmed that parties to an application must exercise reasonable diligence to participate in a Board proceeding. This includes attending a hearing on the scheduled date.
6. I note, the Board’s notice of hearing gives parties to an application instruction on how to attend and participate in the hearing by various methods. The notice of hearing also gives tenants information on how to seek legal advice, including advice from community legal clinics, and invites parties to request accommodation before the hearing date to promote parties’ attendance and participation in the hearing. The review request does not describe any action by the Tenants to avail themselves of these available services. The review request does not contain sufficient detail as to the actions taken by the Tenant to attend the hearing and difficulty with access to the hearing.
7. In *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807 (Div. Ct.) (CanLII) and *Wang v. Oloo*, the Court affirmed that a party to an application must follow the Board’s processes to reschedule or adjourn a hearing. Here, the Tenant did not submit a request to reschedule the hearing, pursuant to Rule 21.1 of the Board’s Rules of Procedure. The Tenant also did not attend the June 6, 2023 hearing, either in person or by legal representative or agent, to request an adjournment, per Rule 21.7.
8. The Tenant has accordingly not demonstrated that she exercised reasonable diligence to attend and participate in the Board hearing.
9. Based on the above, I conclude that the requesting Tenant has not shown good cause to review the June 19, 2023 order. The Tenant did not show that she was not reasonably able to participate in the June 6, 2023 hearing, or that she exercised reasonable diligence in the circumstances to attend the hearing. The request to review the June 19, 2023 order will therefore be denied.

It is ordered that:

1. The request to review order LTB-L-006252-23 issued on June 19, 2023 is denied. The order is confirmed and remains unchanged.

June 26, 2023

Date Issued

Dana Wren

Member, Landlord and Tenant Board

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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.

2023 ONL TB 47728 (CanLII)