



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

Citation: Good v Toner, 2023 ONLTB 41132

Date: 2023-05-26 **File Number:**
LTB-L-050476-22-RV

In the matter of: Two, 271 Main St. S
Mount Forest ON N0G2L1

Between: Darryl Good Landlord

And

Ivy Toner Tenant
Justin Pitre
Les Sanderson
Louise Pitre

Review Order

Darryl Good (the 'Landlord') applied for an order to terminate the tenancy and evict Ivy Toner, Justin Pitre, Les Sanderson and Louise Pitre (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-050476-22 issued on April 26, 2023. The hearing was held by video conference on March 28, 2023 where only the Landlord attended the hearing.

On May 23, 2023, the Tenants IT, JP and LP 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 Tenants were not reasonably able to participate in the proceeding.
2. In the request to review, the Tenant LP does not dispute receipt of the notice of hearing. Rather, the Tenant writes that she lives with the other Tenants, receives ODSP, doesn't believe they owe any arrears and missed the hearing "because the landlord said that being it was all resolved I didn't need to go."

3. Although the Tenant writes that she believes she was not required to attend the hearing, there is no evidence to support the reasonableness of her belief. The Tenant does not provide any details, such as dates or times or context of correspondence with the

Order Page 1 of 2

File Number: LTB-L-050476-22-RV

Landlord, that would result in her belief that she was not required to attend the hearing. Moreover, the Board's notice of hearing clearly explains to parties what may occur, should they not attend the hearing

4. In the circumstances, I find the Tenant's stated belief that she was not required to attend the March 28, 2023 hearing, is not reasonable.
5. 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 notice of hearing also details consequences for failure to attend.
6. The Tenants have accordingly not demonstrated that they exercised reasonable diligence to attend and participate in the Board hearing.
7. Based on the above, I conclude that the Tenants have not shown good cause to review the April 26, 2023 order. The Tenants did not show that they were not reasonably able to participate in the March 28, 2023 hearing, or that they exercised reasonable diligence in the circumstances to attend the hearing. The request to review the April 26, 2023 order will therefore be denied.

It is ordered that:

1. The request to review order LTB-L-050476-22 issued on April 26, 2023 is denied. The order is confirmed and remains unchanged.

May 26, 2023
Date Issued

Dana Wren
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.

Order Page 2 of 2