



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

**Citation:** GNPA Holdings Group v Gibson, 2023 ONLTB 41095

**Date:** 2023-05-26 **File Number:**  
LTB-L-053988-22-RV

**In the matter of:** 4, 140 JOSEPH ST  
KINGSTON ON K7K2H7

**Between:** GNPA Holdings Group Landlord

**And**

Tanya Gibson Tenant  
Trevor Dale

### Review Order

GNPA Holdings Group (the 'Landlord') applied for an order to terminate the tenancy and evict Tanya Gibson and Trevor Dale (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-053988-22 issued on April 27, 2023. The hearing was held by video conference on April 11, 2023 where only the Landlord's legal representative attended the hearing. The Tenants Tanya Gibson (TG) and Trevor Dale (TD) did not attend.

On May 24, 2023, the Tenants 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 the Tenants were not reasonably able to participate in the proceeding.
2. The Tenants do not dispute receiving the Board's notice of hearing, which the Board mailed to the Tenants on or around March 9, 2023. Rather, the Tenants write in the review request that it was their belief that TG "genuinely believed the dispute was resolved" as a result of payment plan discussions with the Landlord and TD believed TG was attending to matters

related to rent arrears. The review request also claims that TG was not able to participate in the proceedings due to several mental and physical disorders.

3. Although TG writes that she believed she was not required to attend the hearing based on payment plan discussions, there is no evidence to support the reasonableness of her belief. TG does not describe any act or omission by the Landlord that would result in her belief that she was not required to attend the hearing. I also find TD's assertion that the
 

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matter was being attended to by TG insufficient and not good cause to grant the review request. Moreover, the Board's notice of hearing clearly explains to the parties what may occur, should they not attend the hearing.

4. In the circumstances, I find TG's stated belief that she was not required to attend the April 11, 2023 hearing and TD's belief that the matter was managed by TG not reasonable.
5. Further, with respect to the issue of medical circumstances, I find that the Tenants' submissions do not adequately explain the Tenant's absence from the April 11, 2023 hearing. Although TG lists medical conditions, there is insufficient information to determine that these conditions interfered with the Tenant's ability to reasonably participate in the hearing.
6. In *Wang v. Oloo*, 2023 ONSC 1028 (Div. Ct.) (CanLII), the Divisional Court upheld a Board review order that determined that the tenant in that case did not prove that they were not reasonably able to participate in the Board hearing because of medical reasons. The Board concluded that a medical report the tenant submitted did not support the tenant's submission that they could not attend the Board hearing. The Court ruled, at paragraph 10:

It is the court, not the doctor, who decides whether the adjournment will be granted. Thus, a doctor's note must obtain [sic.] sufficient information to enable the court or tribunal to exercise its own judgment as to whether the adjournment should be granted. This should, at a minimum, describe the diagnosis, the effect of the patient's condition on their ability to attend and participate in the hearing, and a statement as to when, in the doctor's opinion, the patient will be well enough to attend court and participate as required.

7. In this present case, TG did not submit a medical report that describes how the medical conditions the Tenant listed in the review request affected the Tenant's ability to participate in the proceedings. Following the Court's reasons in *Wang v. Oloo*, without reliable information about the Tenant's medical conditions and the impact those conditions have, I find that the Tenant did not show that they were not reasonably able to participate in the April 11, 2023 hearing.

8. 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 April 11, 2023 hearing, either in person or by legal representative or agent, to request an adjournment, per Rule 21.7.
9. 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.
10. 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 **File Number: LTB-L-053988-22-RV**

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.

11. The Tenants have accordingly not demonstrated that they exercised reasonable diligence to attend and participate in the Board hearing.
12. Based on the above, I conclude that the Tenants has not shown good cause to review the April 27, 2023 order. The Tenants did not show that they were not reasonably able to participate in the April 11, 2023 hearing, or that they exercised reasonable diligence in the circumstances to attend the hearing. The request to review the April 27, 2023 order will therefore be denied.

**It is ordered that:**

1. The request to review order LTB-L-053988-22 issued on April 27, 2023 is denied. The order is confirmed and remains unchanged.

**May 26, 2023**

**Date Issued**

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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.