



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

Citation: Ridgeford Charitable Foundation v. Drummond, 2023 ONLTB 39823

Date: 2023-05-19 **File Number:**
LTB-L-043220-22-RV

In the matter of: 318, 23 THUNDER GROVE Toronto
ON M1V0G6

Between: Ridgeford Charitable Foundation Landlord

And

Jedadiah Drummond
Tenant

Review Order

Ridgeford Charitable Foundation (the 'Landlord') applied for an order to terminate the tenancy and evict Jedadiah Drummond (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-043220-22, issued on March 24, 2023.

On April 28, 2023, the Tenant requested an extension of time to file a request to review the March 24, 2023 order. The request to extend time was denied by Vice Chair endorsement on May 1, 2023.

On May 3, 2023, the Tenant's child, a person affected by the March 24, 2023 order, (the 'Requesting Party') requested an extension of time to file a review request. The request to extend time was denied by Member endorsement on May 5, 2023.

It is unclear whether all the submissions attached to the Requesting Party's May 3, 2023 request to extend time were before the Member assigned to consider the request. Accordingly, on May 15, 2023, the Board initiated a review of the May 5, 2023 Member endorsement. On May 15, 2023, the Board issued interim review order LTB-L-043220-22-RV-IN, staying the order issued on March 24, 2023.

A Board-initiated review of the Board's application record, and a review of the May 3, 2023 submissions attached to the Requesting Party's May 3, 2023 request to extend time were completed without a hearing in accordance with Rules 21 and 16 of the Board's Rules of Procedure.

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Tribunals Ontario
Landlord and Tenant Board

Tribunaux décisionnels Ontario
Commission de la location immobilière

Determinations:

LTB-L-043220-22-RV-IN

1. I have reviewed the Board's application record. I find that, due to a Board error, the document titled "TENANT SUBMISSIONS *REQUEST TO EXTEND TIME*" was not made available to the Member assigned to consider the Tenant's son's May 3, 2023 request.
2. I find that a serious error occurred in the Board's process. The May 5, 2023 Member endorsement denying the request to extend time to request a review shall be cancelled.

The Requesting Party's May 3, 2023 Request to Extend Time

3. The May 3, 2023 request to extend time writes, at paragraph 15, that the Requesting Party was not able to request a review of the March 24, 2023 order in time, because they were "unaware of the legal process required to stop the eviction". The Requesting Party explains, at paragraph 16 of the request to extend time: "I was unaware of much of the specifics of the Landlord's proceedings against us as my father had shielded much of this from me".
4. I am mindful of the circumstances the Requesting Party describes in their request to extend time. However, I find that the Tenant's omission to inform affected persons of the Board proceeding is not good cause to grant the request to extend time. Rather, the omission represents a lack of due diligence on the Tenant's part, similar to the lack of due diligence the Board Vice Chair considered in the May 1, 2023 endorsement denying the Tenant's April 28, 2023 request to extend time.
5. The request to extend time shall therefore be denied.

It is ordered that:

1. The May 5, 2023 Member endorsement is cancelled.
2. The request to extend time to review order LTB-L-043220-22, issued on March 24, 2023, is denied. The order is confirmed and remains unchanged.

3. The interim order issued on May 15, 2023 is cancelled. The stay of order LTB-L-04322022 is lifted immediately.

May 19, 2023

Date Issued

Harry Cho

Vice Chair, 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.

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