



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

Citation: Craft v Myers, 2023 ONLTB 33337

Date: 2023-04-27 **File Number:**

LTB-L-041789-22-RV

In the matter of: 61 ADRIAN DR
SAULT STE. MARIE ON P6A4W8

Between: Chantal Craft Landlord
Edwin Jansen

And

Hayley Myers Tenant

Review Order

Chantal Craft and Edwin Jansen (the 'Landlord') applied for an order to terminate the tenancy and evict Hayley Myers (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-041789-22 issued on March 10, 2023. The hearing took place on February 27, 2023. Only the Landlord's Legal Representative attended the hearing.

On March 27, 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 March 27, 2023, interim order LTB-L-041789-22-RV-IN was issued, staying the order issued on March 10, 2023.

This Tenant's request to review was heard in by videoconference on April 17, 2023.

Determinations:

1. The Tenant submits she was not reasonably able to participate in the February 27, 2023 hearing.
2. In the request and at the hearing, the Tenant explained that her mail was suspended because of snow. The Tenant testifies she became aware her mail was not getting delivered on or about the end of January 2023. She contacted Canada Post to make a formal complaint and opened a ticket. The Tenant says she was told that she was not



receiving the mail due to weather. The Tenant also says that she inquired about picking up the mail from the post office and was told that she could not. The Tenant says that she finally received her mail on March 22, 2023 when Canada Post finally delivered her mail.

3. The LTB's records indicate that the Notice of Hearing was mailed to the rental unit's address on February 13, 2023, deemed served February 20, 2023. The Tenant's explanation is unbelievable. I find it unlikely that Canada Post would not deliver the Tenant's mail for 2 months due to weather conditions without making alternate arrangements to the Tenant pick up her mail. In addition, the Tenant's lack of documentary evidence with respect to her complaints to Canada Post and the weather conditions during the relevant time makes the Tenant's explanation less credible.
4. On the basis of the submissions made in the request and at the hearing, I am not satisfied that Tenant was not reasonably able to participate in the proceeding. Accordingly, the Tenant's request to review the March 10, 2023 order must be denied.
5. This order contains all of the reasons for the decision within it and no further reasons will be issued.

It is ordered that:

1. The request to review order LTB-L-041789-22 issued on March 10, 2023 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 27, 2023 is cancelled. The stay of order LTB-L-04178922 is lifted immediately.

April 27, 2023

Date Issued

Khalid Akram

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.