



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

**Citation:** London & Middlesex Community Housing Inc v Patricia MacIntyre, 2023 ONLTB 33904

**Date:** 2023-04-21

**File Number:** LTB-L-026574-22-RV

**In the matter of:** 701, 241 SIMCOE ST  
LONDON ON N6B3L4

**Between:** London & Middlesex Community Housing Inc Landlord

**And**

Patricia MacIntyre Tenant

### Review Order

London & Middlesex Community Housing Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Patricia MacIntyre (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-026574-22, issued on April 11, 2023. The Tenant did not attend the March 20, 2023 hearing.

On April 21, 2023, the Tenant, the requested a review of the order.

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 Tenant was not reasonably able to participate in the proceeding.
2. The Tenant does not dispute receiving the Board's notice of the March 20, 2023 hearing. The Tenant submits she was not reasonably able to participate in the hearing because a "developmental delay" interfered with her ability "to understand the potential consequences and work with my supports and the landlord to find an adequate solution."
3. The Divisional Court has affirmed that parties to an application are required to follow the Board's process to reschedule a hearing, or to adjourn the hearing: *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807 (Div. Ct.) (CanLII); *Wang v. Oloo*, 2023 ONSC 1028 (Div. Ct.) (CanLII). In this present case, the Tenant did not request to



reschedule the March 20, 2023 hearing before the hearing date, and the Tenant did not attend the hearing, or send an agent or representative, to request an adjournment.

out of

4. Although the Tenant writes in the review request that a development delay prevented her from understanding the Board’s notice of hearing, or other documents related to the Landlord’s application, I find that the explanation is inadequate.
5. In *Wang v. Oloo*, the Divisional Court determined that a vague medical report was inadequate to justify an adjournment. The Court ruled, at paragraph 10, that medical reports in support of an adjournment request “should, at 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.”
6. In this present case, the Tenant did not submit a medical report to explain the nature of the Tenant’s “developmental delay” and whether the condition interfered with the Tenant’s ability to attend the March 20, 2023 hearing.
7. In the circumstances, and following the Divisional Court’s reasons in *Wang v. Oloo*, I find that the Tenant’s vague description of a condition that required an unidentified form of accommodation or support to understand the Board’s notice of hearing, is inadequate. The Tenant has therefore not established good cause to review the April 11, 2023 order, pursuant to subsection 209(2) of the *Residential Tenancies Act, 2006*.

**It is ordered that:**

1. The request to review order LTB-L-026574-22, issued on April 11, 2023, is denied. The order is confirmed and remains unchanged.

**April 21, 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.



out of

2023 ONL TB 33904 (CanLI)

out of