



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

**Citation:** InterRent Holdings Manager LP v Mailing, 2023 ONLTB 32305

**Date:** 2023-04-20 **File Number:** LTB-L-042207-22-RV

**In the matter of:** 1303, 100 MAIN ST E  
HAMILTON ON L8N3W4

**Between:** InterRent Holdings Manager LP Landlord

**And**

Duane Mailing Tenant

### Review Order

InterRent Holdings Manager LP (the 'Landlord') applied for an order to terminate the tenancy and evict Duane Mailing (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-042207-22 issued on March 9, 2023.

On March 20, 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 22, 2023 interim order LTB-L-042207-22-RV-IN was issued, staying the order issued on March 9, 2023.

This application was heard in by videoconference on April 13, 2023.

The Landlord's Representative, Daniel Abraham and the Tenant attended the hearing.

### Determinations:

1. The order issued on March 9, 2023 was heard on February 28th 2023. The Tenant joined the hearing on February 28, 2023 as noted in Order LTB-L-042207-22 issued on March 9, 2023 around 10:02 a.m. which was after the hearing already took place. The Tenant explained he has been experiencing brain fog and forgetfulness and thought the hearing started at 10:30 a.m.

2. 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. T
3. The Board's Notice of Hearing clearly informs parties to join the hearing starts at 9:00 a.m. and requests the parties to join 30 minutes before the hearing starts to confirm their attendance in the virtual hearing. The Tenant joined an hour and half from the expected time attendance was taken.
4. The Tenant reported having forgetfulness which is inadequate to justify the review of the Order issued on March 9, 2023. The Tenant did not provide any corroborative medical evidence that verifies impairments which would have provided a nexus having attended late.
5. The Tenant never informed or requested the need for accommodation from the Landlord to facilitate joining the conference on February 28, 2023 and the Landlord has an office in the same building. The Tenant received the Notice of the Review Hearing and had no difficulty remembering to join the review hearing.
6. The Tenant does not dispute the amount of arrears calculated in the order issued on March 9 2023 nor does he dispute that he made no payments towards rents after the application was filed on July 27 2022 to date. Therefore, there are no errors contained in the Order issued on March 9, 2023.
7. The Board is mandated to ensure the most efficient use of it's time and resources. It's unfortunate that the Tenant missed the hearing, but on a balance of probabilities, it was a result of his own negligence not a result of an error caused by the Board's hearing processes. If parties do not do their due diligence to attend the hearing on time, then the Board should not be expected to allow an application to be heard on a second instance.
8. I do not find the Tenant was prevented from participating in the hearing and the order issued on March 9, 2023 remains in effect.

**It is ordered that:**

1. The request to review order LTB-L-042207-22 issued on March 9, 2023 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 22, 2023 is cancelled. The stay of order LTB-L-04220722 is lifted immediately.

**April 20, 2023**

**Date Issued**

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Sandra Macchione

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.