



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

**Citation:** TEAHEN v VANDEN BROEK, 2023 ONLTB 31400

**Date:** 2023-04-14 **File Number:** LTB-L-054090-22-RV

**In the matter of:** 2, 126 MAIN STREET WEST  
LISTOWEL ONTARIO N4W1A1

**Between:** PAUL TEAHEN Landlord

**And**

ASHLEY VANDEN BROEK Tenant

### Review Order

PAUL TEAHEN (the 'Landlord') applied for an order to terminate the tenancy and evict ASHLEY VANDEN BROEK (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-054090-22 issued on February 3, 2023.

On February 13, 2023, the Tenant requested a review of the order alleging that she was not reasonably able to participate in the hearing held on January 4, 2023.

On February 14, 2023, Interim Order LTB-L-054090-22-RV-IN was issued staying the order issued on February 3, 2023.

This request was heard in by videoconference on March 9, 2023.

The Landlord and the Tenant attended the hearing. The Tenant spoke to Tenant Duty Counsel prior to the hearing.

### Determinations:

1. The Tenant did not attend the hearing for the Landlord's application held on January 4, 2023. The Tenant requests the review, alleging that she was not reasonably able to participate in that hearing because she did not receive the notice of hearing.
2. The Tenant said that the lock on her mailbox is broken. She also said that she was not staying her in her unit from June to December 2022 because of maintenance issues in the rental unit. She said that she did not pay rent because she had to stay elsewhere. She said that she nevertheless checked her mailbox every so often.

3. The Landlord did not consent to the review. He said that he put a notice for outstanding rent under the door every month. He also said that he put the notice of hearing and the update sheet under the Tenant's door on December 29, 2022.

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4. The Landlord said that the Tenant has paid no rent at all since May 2022.
5. I find that the Tenant has not proved, on a balance of probabilities that she was not reasonably able to participate in the hearing held on January 4, 2023, for the reasons that follow.
6. The Tenant had no photographic, nor other documentary evidence that there was a problem with her mailbox that she informed the Landlord about, or that was unaddressed by the Landlord. She also testified that she was not staying in her unit, and she only checked the mailbox every so often. The Landlord's uncontested testimony was that he put the notice of hearing and the update sheet under the Tenant's door at least six days before the hearing.
7. Consequently, I find that the Tenant was not diligent in checking her mail, especially when she was aware that rent remained unpaid for so many months. I also find that the Landlord's evidence that he put the notice of hearing and evidence under the Tenant's door days before the hearing is more credible than the Tenant's testimony that she was unaware of the hearing.
8. In any case, the Tenant admits that she has not paid any rent for months, and there is therefore no basis upon which to change the original standard termination order issued on February 3, 2023.
9. 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 held on January 4, 2023.

**It is ordered that:**

1. The request to review order LTB-L-054090-22 issued on February 3, 2023, is denied. The order is confirmed and remains unchanged.
2. The interim order LTB-L-054090-22-RV-IN issued on February 14, 2023, is cancelled. The stay of order LTB-L-054090-22 issued on February 3, 2023, is lifted immediately.

**April 14, 2023**

**Date Issued**

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Nancy Morris

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.

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