



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

Citation: Skyline Living v Caldwell, 2023 ONLTB 29562

Date: 2023-04-06

File Number: LTB-L-040608-22-RV

In the matter of: 1207, 330 TALBOT ST
ST THOMAS ON N5P4E1

Between: Skyline Living Landlord

And

Dustin Caldwell Tenants
Larissa Beattie

Review Order

Skyline Living (the 'Landlord') applied for an order to terminate the tenancy and evict Dustin Caldwell and Larissa Beattie (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

The Landlord also claimed charges related to NSF cheques.

This application was resolved by order LTB-L-040608-22 issued on February 23, 2023.

On March 7, 2023, the Landlord requested a review of the order.

On March 8, 2023 interim order LTB-L-040608-22-RV-IN was issued.

This application was heard in by videoconference on March 28, 2023.

Only the Landlord's Agent, Kyle McCann attended the hearing.

Determinations:

1. The Landlord's Agent testified that they had technical difficulties on the day of the hearing held on February 16, 2023 and that he joined and connected into the conference at 2:30 p.m. to learn that the hearing had already taken place.
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 Landlord was not reasonably able to participate in the proceeding.
3. The order issued February 23, 2023 includes a note that the Landlord's Agent joined the hearing at 2:38 pm which was an hour after the application was declared abandoned.



4. The Board's Notice of Hearing clearly informs parties to join the conference at 12:45 p.m. and the Landlord's Agent joined almost two hours from the expected time attendance was taken.
5. The Landlord's Agent confirmed that he had a copy of the Notice before him on the day of the hearing that included a telephone number and the passcode, and he provided no explanation having failed to exercise that option that was available to him. This large corporate Landlord receives regular hearing notices from the Board and as such is familiar with information on the Notice and would have known the notice included a telephone number which is located just beneath the videoconference link. I see no reason why the Landlord's Agent wouldn't have utilized that option and joined the hearing by telephone on time.
6. The Board is mandated to ensure the most efficient use of its time and resources and time was set aside to proceed with the Landlord's application. It's unfortunate that the Landlord missed the hearing, but it was a result of their 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.
7. I do not find the Landlord was prevented from participating in the hearing and the order issued on February 23, 2023 remains in effect.

It is ordered that:

1. The request to review order LTB-L-040608-22 issued on February 23, 2023 is denied.
2. The order is confirmed and remains unchanged.

April 6, 2023
Date Issued

Sandra Macchione
Member, Landlord and Tenants 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.

