



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

Citation: Skyline Living v Williams, 2023 ONLTB 29467

Date: 2023-04-06

File Number: LTB-L-032637-22-RV

In the matter of: 411, 945 HURON ST
LONDON ON N5Y4V5

Between: Skyline Living Landlord

And

Youquie Williams Tenant

Review Order

Skyline Living (the 'Landlord') applied for an order to terminate the tenancy and evict Youquie Williams (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was resolved by order LTB-L-032637-22 issued on February 15, 2023.

On March 7, 2023, the requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 8, 2023 interim order LTB-L-032637-22-RV-IN was issued, staying the order issued on February 15, 2023.

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

The Landlord's Representative Maria Ceglie and the Tenant attended the hearing.

Determinations:

1. The order issued on February 15, 2023 was for non-payment of rent and eviction which was heard on January 30, 2023.
2. The Tenant testified that she did not have Wi-Fi access because of money stolen from her unit and could not pay the service provider which resulted in her inability to join the conference by computer on the day of the hearing. When challenged the Tenant confirmed she did not contact police to report the theft which is expected, and reasonable action had a theft occurred.
3. The Tenant also stated she tried to join the hearing by telephone, but she did not have the access code. The Notice of Hearing was displayed to the Tenant at the hearing which the



Tenant confirmed receiving. The Tenant acknowledges the access code on the Notice is on the same line next to the toll free number the Tenant allegedly called on the day of the hearing.

4. The Tenant also stated she did not have money to leave her unit to access a computer to join the conference. The Tenant confirmed the Landlord has an office in the same building as the unit, and she never informed or asked for the Landlord to assist with her alleged technology issues.
5. The Tenant explanation for not attending the hearing are not reasonable and supports a finding that the Tenant is not credible I find the Tenant had adequate opportunity of joining the conference and it appears the Tenant chose not to attend as a means of delaying eviction. This is not a situation where the Tenant was inadvertently prevented from attending the hearing as a result of Board's procedural process nor is it a situation where she did not receive the Notice.
6. The Tenant does not dispute the arrears owing in the order issued on February 15, 2023.
7. Absent a serious error in procedure or in the order, a review is not an opportunity to reargue a case in hopes of a different outcome nor is it an opportunity to present evidence and submissions that could and ought to have been presented at the hearing of first instance had she attended.
8. As stated by the Court in *Q Res IV Operating CP Inc. v. Berezovska* 2017 ONSC 5541, "[I]f parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely cost-effective and final orders."
9. Based on the submissions made, the review request is denied.

It is ordered that:

1. The request to review order LTB-L-032637-22 issued on February 15, 2023 is denied. The order is confirmed and remains unchanged.
2. The stay of order LTB-L-032637-22 is lifted immediately.

April 6, 2023
Date Issued

Sandra Macchione
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

