



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

Citation: Fairway Holdings Corp v Wry, 2023 ONLTB 30931

Date: 2023-04-04

File Number: LTB-L-014129-22-RV

In the matter of: H, 131 FAIRWAY RD N
KITCHENER ON N2A2N4

Between: Fairway Holdings Corp Landlord

And

David Wry and Katie Wry Tenant

Review Order

Fairway Holdings Corp (the 'Landlord') applied for an order to terminate the tenancy and evict David Wry and Katie Wry (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-014129-22 issued on March 27, 2023. The original hearing was held on September 26, 2022. Only the Landlord's representative attended the hearing. As of 10:09 am, the Tenants were neither present nor represented at the hearing. The Board file did not contain any details that the Tenants were not advised of the hearing. There was no return mail nor returned email with respect to the notice of hearing.

On April 4, 2023, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

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 a serious error occurred in the proceedings, or that the Tenants were not reasonably able to participate in the proceeding.
2. The LTB's records indicate that the Tenants were mailed the Notice of Hearing from the Board on September 1 2022, deemed to have been received by the Tenants on September 8, 2022 as per s.191(3) of the Residential Tenancies Act, 2006. The Board file does not contain a request to reschedule nor was a request to adjourn before the Board.
3. In the request to review, The Tenants provide submissions about the reasons for the rent arrears but is void of any reasons as to why they did not participate at the September 26, 2022 hearing. The Tenants do not indicate they never received the Notice of Hearing from



the LTB. The Tenants do not provide sufficient reasons in their request to explain how they were not reasonably able to participate in the hearing.

4. On the basis of the submissions made in the request, I am not satisfied that the Tenants were not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-014129-22 issued on March 27, 2023 is denied. The order is confirmed and remains unchanged.

April 4, 2023
Date Issued

Dana Wren
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.