



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

**Citation:** Toronto Community Housing Corporation v Desousa, 2023 ONLTB 28775

**Date:** 2023-03-27

**File Number:** LTB-L-074422-22-RV

**In the matter of:** 1309, 101 HUMBER BLVD  
YORK ON M6N2H5

**Between:** Toronto Community Housing Corporation Landlord

**And**

Aurelio Desousa Tenant

### Review Order

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Aurelio Desousa (the 'Tenant') because the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex; the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

This application was resolved by order LTB-L-074422-22 issued on March 20, 2023.

On March 23, 2023, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

### Determinations:

1. The Tenant's review request alleges he was not reasonably able to participate in the proceeding which took place on March 9, 2023.
2. There is no mention in the Tenant's review request that the Notice of Hearing was not received. In fact, the Tenant acknowledges receiving and reading a notice ("Notice") from the Board postmarked February 26, 2023 and notifying the Tenant of the application and portal login instructions.
3. Notwithstanding the Notice received, the Tenant states he did not understand the notice and that he did not "*understand what was required of me as I am not familiar with computers, emails and such technological things*".



4. The Notice specifically provides that in the event the parties do not have access to the internet, participation by telephone can be made by calling the toll-free number listed. Moreover, the Notice advises the Tenant how to contact the LTB and it provides information on how to contact legal aid Ontario. Furthermore, the Board's records show that the Tenant did not request to adjourn or reschedule the hearing in advance of the proceeding.
5. The Divisional Court in *Q Res IV Operating GP Inc. v. Berezovs'ka*, [2017] O.J. No. 4863, specifically notes that parties must exercise due diligence to make themselves aware of LTB proceedings and to participate. Here, the Tenant's review request does not explain why the Tenant did not participate by telephone, nor did it outline what steps, if any, were taken by the Tenant after the Notice was received to ensure the Tenant's participation in the proceeding. Based upon the limited submissions made in the Tenant's review request, I do not find the Tenant was not reasonably able to participate in the proceeding.
6. The Tenant's review request also disputes the member's findings in the Order, stating the Tenant never choked or attacked another person. While the Tenant disagrees with the member's findings, the purpose of the review process is not to provide the parties with an opportunity of relitigating the issues in the hope of a different outcome. The Tenant did not attend the hearing to dispute the Landlord's evidence and as outlined above, I do not find the Tenant was not reasonably able to participate in the proceeding.
7. Since the request does not identify any error in the order or the proceedings, the review will be denied

**It is ordered that:**

1. The request to review order LTB-L-074422-22 issued on March 20, 2023 is denied.
2. The order is confirmed and remains unchanged.

**March 27, 2023**  
**Date Issued**

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**Peter Nicholson**  
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.