



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

Citation: 2833307 Ontario Inc v Wood and McBride, 2023 ONLTB 25556

Date: 2023-03-07 **File Number:**
LTB-L-037279-22-RV

In the matter of: 3, 565 KENNEDY RD
SCARBOROUGH ON M1K2B2

Between: 2833307 Ontario Inc Landlord

And

Cathleen Wood Tenants
William McBride

Review Order

2833307 Ontario Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Cathleen Wood and William McBride (the 'Tenants') because the Tenants did not pay the rent that the Tenant owes.

This application was heard on February 13, 2023. Only the Landlord's legal representative attended the hearing. The application was resolved by order LTB-L-037279-22, issued on March 3, 2023.

On March 6, 2023, the Tenants requested a review of the order.

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 there is a serious error in the order or that a serious error occurred in the proceedings, or that the Tenants were not reasonably able to participate in the proceeding.
2. The Tenants agree in the review request that they received the Board's notice of hearing on February 6, 2023. The Tenants did not, however, attend the hearing. The Tenants explain that they did not attend, because they assert did not have sufficient time to seek and retain legal assistance/representation.

3. The Courts have affirmed that parties to a Board application are required to exercise due diligence to prepare for a Board hearing: *Q Res IV Operating GP Inc. v. Berezovs'ka*, [2017] O.J. No. 4863 (Div. Ct.). The Courts have also affirmed that the Board has a process for determining rescheduling and adjournment requests, which process parties are required to follow: *Wang v. Oloo*, 2023 ONSC 1028 (Div. Ct.) (CanLII); *Lacroix v. CentralMcKinlay International Ltd.*, 2022 ONSC 2807 (Div. Ct.) (CanLII).

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4. In this present case, the Tenants have not provided sufficient details of their efforts to seek and obtain legal advice/representation after receiving the Board's notice of hearing on February 6, 2023. The Tenants have therefore not demonstrated that they exercised due diligence to prepare for the hearing.
5. The Board's application record shows that the Tenants did not comply with the Board's Rules of Procedure, which require parties to request that a hearing be rescheduled before the hearing date. The Tenants also elected not to attend the hearing to request an adjournment, or to have an agent appear on their behalf. The Tenants do not describe in their review request a scheduling conflict, or any other reason, for their decision not to attend and participate in the proceedings.
6. The Tenants have therefore not established that they were not reasonably able to participate in the February 13, 2023 hearing. Their request to review the March 3, 2023 order must accordingly be denied.

It is ordered that:

1. The request to review order LTB-L-037279-22, issued on March 3, 2023, is denied. The order is confirmed and remains unchanged.

March 7, 2023

Date Issued

Harry Cho

Vice Chair, Landlord and Tenant Board

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