



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

**Citation:** Dhillen v Taylor, 2023 ONLTB 18660

**Date:** 2023-02-02

**File Number:** LTB-L-005955-22-RV

**In the matter of:** 2, 44 METCALFE ST  
THOROLD ON L2V2Z9

**Between:** Sandeep Dhillen Landlord

**And**

Arran Taylor Tenant  
Fred Taylor

### Review Order

Sandeep Dhillen (the 'Landlord') applied for an order to terminate the tenancy and evict Arran Taylor and Fred Taylor (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. This application was resolved by order LTB-L-005955-22 issued on August 24, 2022.

On September 2, 2022 the Tenant, Arran Taylor, requested a review of the order and alleges he was not reasonably able to participate. On September 6, 2022, interim order LTB-L-005955-22-RV was issued, directing the matter to proceed to a review hearing. The review hearing and application was resolved by order LTB-L-005955-22-RV, issued on January 4, 2023.

On January 31, 2023, the Tenant, Arran Taylor, requested a review of the review order LTB-L-005955-22-RV issued on January 4, 2023 alleging he was not reasonably able to participate and that the review order contains a serious error.

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

#### **Determinations:**

1. The Tenant's request is based on the ground of being not reasonably able to participate in the proceedings, and that the order contains a serious error.
2. On the basis of the submissions made in the Tenant's request, I am not satisfied there is a serious error in the order or that a serious error occurred in the proceedings.
3. The review hearing was originally before the Board on September 28, 2022. In advance of the September 28, 2022 hearing, the Tenant requested to be allowed to participate in the hearing by using a Public Access Terminal (the "PAT"). By member endorsement form dated September 8, 2022, this request was granted, and the Tenant was accordingly allowed to use the PAT to participate in the September 28, 2022 hearing.



4. As the matter was not completed on September 28, 2022, the matter returned to the Board on November 30, 2022. On this date, the Board granted the Tenant's contested adjournment request. The Tenant stated he had a family medical emergency to attend to and it was mutually agreed the matter would return to the Board on December 16, 2022.
5. The Tenant was not present for the December 16, 2022 hearing.
6. The Tenant's review request alleges he was unable to attend the hearing due to the Landlord blocking his device from accessing the internet. There is no mention in the Tenant's review request that the Notice of Hearing was not received. The Board's records reflect that a Notice of Adjourned Hearing was sent to the Tenant, and the Notice specifically provides that in the event the parties do not have access to the internet, then participation by telephone can be made by calling the toll-free number listed. The Tenant's review request does not explain why the Tenant did not participate by telephone. Moreover, the Tenant's review request provides no reasons as to why the Tenant did not use the PAT as had originally been requested for the September 28, 2022 hearing and granted. Based upon the submissions made in the Tenant's review request, I do not find the Tenant was not reasonably able to participate in the proceeding.
7. The Tenant's review request also disputes the quantum of arrears owed. 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. Since the request does not identify any error in the order, the review will be denied

**It is ordered that:**

1. The request to review order LTB-L-005955-22-RV issued on January 4, 2023, is denied.
2. The order is confirmed and remains unchanged.

**February 2, 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.

