



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

**Citation:** Tepperman v Rivers, 2023 ONLTB 15953

**Date:** 2023-01-23

**File Number:** LTB-L-080301-22-RV  
(TNL-37104-22)

**In the matter of:** 32 Cobbler Crescent  
North York Ontario M3N2Y7

**Between:** Sophie Tepperman Landlord

**And**

Lindsay Rivers Tenants  
Star General

### Review Order

**Your file has been moved to the Landlord and Tenant Board’s new case management system, the Tribunals Ontario Portal. Your new file number is LTB-L-080301-22.**

Sophie Tepperman (the 'Landlord') applied for an order to terminate the tenancy and evict Lindsay Rivers and Star General (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet a condition specified in the order issued by the Board on September 13, 2021 with respect to application TNL-32763-21.

This application was resolved by order TNL-37104-22 issued on October 24, 2022.

On December 12, 2022, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On December 15, 2022, interim order TNL-37104-22-RV-IN was issued, staying the order issued on October 24, 2022.

This application was heard in by videoconference on January 16, 2023. The Landlord, the Landlord’s legal agent, J. Stein, and the Tenants attended the hearing. The Tenants had an opportunity to speak with Tenant Duty Counsel before the hearing.

### Determinations:

#### Request to Review

1. The Landlord’s application was heard on October 13, 2022. The Tenants did not attend the hearing and therefore, the hearing proceeded with only the Landlord’s evidence.
2. The Tenants testified that they did not attend the October 13, 2022 hearing because the Tenant, L. Rivers, was at the fracture clinic after she broke her wrist on October 9, 2022.



The Tenant, S. General, also did not attend the hearing as he had to drive L. Rivers to her appointment as she does not drive. Submitted into evidence was a medical report, which had an admission date of October 13, 2022.

3. I find that the Tenants were not reasonably able to participate in the hearing. I am persuaded that they intended to participate in the proceedings but could not because L. Rivers was at the fracture clinic and S. General had to attend with her.
4. On this basis, I am satisfied that the Tenants did not have a reasonable opportunity to participate in the proceedings. As a result, the order is cancelled, and the Landlord's application was heard afresh.

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5. After the request to review was granted, the parties consented to the set aside motion. I am satisfied the parties understood the consequences of the following joint submissions.

**It is ordered that:**

1. The request to review order TNL-37104-22 issued on October 24, 2022 is granted. The order is cancelled and replaced with the following:
2. Order TNL-32763-21 issued on September 13, 2021, is cancelled.
3. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before March 1, 2023.
4. Provided that the Tenants vacate the unit on or before March 1, 2023, the Landlord agrees to waive the outstanding arrears in the amount of \$20,265.00.
5. If the unit is not vacated on or before March 1, 2023, then starting March 2, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after March 2, 2023.
7. If the Tenants do not vacate the unit on or before March 1, 2023, then the outstanding arrears (\$20,265.00) will become due and owing on or before March 2, 2023. If the Tenants do not pay the Landlord the full amount owing on or before March 2, 2023, the Tenants will start to owe interest. This will be simple interest calculated from March 3, 2023, at 5.00% annually on the balance outstanding.

**January 23, 2023**  
**Date Issued**

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Camille Tancioco  
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 2, 2023, if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.