



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

Citation: IMH Pool XX LP v Imerson, 2023 ONLTB 16680

Date: 2023-01-20

File Number: LTB-L-025688-22-RV

In the matter of: 312, 1980 FOWLER DRIVE
MISSISSAUGA ON L5K1B6

Between: IMH Pool XX LP Landlord

And

Jamie Imerson Tenant

Review Order

IMH Pool XX LP (the 'Landlord') applied for an order to terminate the tenancy and evict Jamie Imerson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-025688-22, issued on January 12, 2023. The hearing was held on January 5, 2023. The Tenant did not join the proceedings.

On January 18, 2023, the Tenant 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 Tenant was not reasonably able to participate in the January 5, 2023 hearing.
2. The Tenant submits she was not reasonably able to participate in the hearing because of an unspecified "serious work [commitment]."
3. A party to an application is required to attend a Board hearing on the scheduled hearing date. If a party is not reasonably able to attend the hearing, the Board's Rules of Procedure permit that party to request that the hearing be rescheduled.
4. In this present case, the Tenant did not request the Landlord's consent to reschedule the January 5, 2023 hearing and did not send an agent or representative to the attend hearing to request an adjournment on the Tenant's behalf.
5. In the circumstances, I find the Tenant's vague explanation for not attending the January 5, 2023 hearing is unsatisfactory. The Tenant has not shown that she was not reasonably able to participate in the proceeding.



6. The Tenant further submits in the review request that the order contains factual errors. The Tenant's opportunity, however, to introduce evidence and make legal arguments was at the January 5, 2023 hearing. Having determined that the Tenant did not establish that she was not reasonably able to participate in the hearing, the materials the Tenant seeks to introduce at this time do not represent good cause to review the January 12, 2023 order.
7. I therefore conclude that the Tenant has not shows that she was not reasonably able to participate in the January 5, 2023 hearing, or that there is good cause to review the January 12, 2023 order. The Tenant's review request must accordingly be denied.

It is ordered that:

1. The request to review order LTB-L-025688-22, issued on January 12, 2023, is denied. The order is confirmed and remains unchanged.

January 20, 2023

Date Issued

Harry Cho

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.

