



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

**Citation:** OKEOWO v BRIARCREST MANOR, 2023 ONLTB 15249

**Date:** 2023-01-18

**File Number:** LTB-T-079097-22-RV-IN(TNT-36079-21)

**In the matter of:** 405, 265 DIXON ROAD WEST  
ETOBICOKE TORONTO ON M9R1R7

**Between:** OYINDAMOLA OKEOWO Tenant

**And**

BRIARCREST MANOR Landlord  
CHERIL DELA CRUZ

### Review Order

OYINDAMOLA OKEOWO (the 'Tenant') applied for an order determining that BRIARCREST MANOR and CHERIL DELA CRUZ (the 'Landlord') has collected or retained money illegally.

The Tenant's application was heard on May 26, 2022. Only the Tenant attended the hearing. Neither the Landlord, nor the Landlord's legal representative attended the hearing.

The Tenant's application was resolved by order TNT-36079-21 issued on November 17, 2022.

On December 15, 2022, the Landlord requested a review of the order and that the order be stayed until the request to review the order is resolved.

On December 19, 2022 interim order TNT-36079-21 -IN was issued, staying the order issued on November 17, 2022.

**File TNT-36079-21 has been moved to the Landlord and Tenant Board's new case management system, the Tribunals Ontario Portal. The new file number is LTB-T-079097-22.**

The Landlord's request to review was heard in by videoconference on January 10, 2023.

The Landlord, the Landlord's legal representative, Bryan Rubin, and the Tenant attended the hearing. Waverly Tracey, the Landlord's property administrator, and Stacy Ferguson, te Landlord's property manager, gave evidence on behalf of the Landlord.

### Determinations:

1. On the basis of the evidence before me and the submissions made in the request, I am satisfied that the Landlord was not reasonably able to participate in the proceeding.



2. The Landlord's witnesses provided credible evidence that the Landlord did not receive the Notice of Hearing for the May 26, 2022 hearing. As such, the Landlord was not aware of the hearing held on May 26, 2022 and did not attend the hearing.
3. The evidence showed that the Notice of Hearing was sent by mail to an address, that was not the Landlord's address for service of documents as identified in the Tenant's rental application. Furthermore, the Landlord's corporate property manager had changed as of February 24, 2022, and so did the email address for service. The Notice of Hearing was sent by email to the old email address on April 20, 2022. The Landlord's new property manager had access to that email address.
4. As the Landlord was not reasonably able to participate in the proceedings, the Landlord's request to review was granted and the Tenant's application will be heard de novo on a date to be set by the Board.
5. At the review hearing the Tenant submitted that she filed the application against the Landlord and an employee of the Landlord, who was not present at the hearing.
6. The Tenant was informed that she could summons the Landlord's employee, if she required the presence of the Landlord's employee at the reconvened hearing.

**It is ordered that:**

1. The request to review order LTB-T-079097-22 issued on November 17, 2022 is granted.
2. The Tenant's application shall be heard de novo on a date to be set by the Board.
3. As soon as possible and no later than **seven days** prior to the hearing, the Tenant and the Landlord shall give to the other and file with the Board a copy of any document, photograph, receipt, recording or like thing upon which they intend to rely at the hearing. Filing with the Board may be done by e-mail to [LTB.evidence@ontario.ca](mailto:LTB.evidence@ontario.ca).
4. If possible, the parties shall exchange information by email. For service where email is not available or for any other necessary communication, the parties must respect social distancing measures required by public health in the service and filing of all documents.
5. If you are the Tenant and wish to obtain some legal advice **PRIOR** to your hearing, you can access Tenant Duty Counsel by calling 1-877-374-0391. Please note: Tenant Duty Counsel must be contacted in advance as there is no guarantee that they will attend each specific hearing. Tenant Duty Counsel is a service offered through Legal Aid Ontario and is not affiliated with the Board.
6. Pursuant to Rule 19.7 of the Board's Rules, a party who does not comply with an order for disclosure may not be permitted to rely on any evidence not properly disclosed.
7. I am seized of this matter.



**January 18, 2023**

**Date Issued**

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**Jana Rozehnal**  
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.