



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

Citation: First Ederlyi House v. Hirosik, 2023 ONLTB 15219

Date: 2023-01-11

File Number: LTB-L-000786-21-RV2

In the matter of: 415, 1624 BLOOR ST W
TORONTO ON M6P4E6

Between: First Erdelyi House Landlord

And

Istvan Hirosik Tenant

Review Order

First Erdelyi House (the 'Landlord') applied for an order to terminate the tenancy and evict Istvan Hirosik (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-000786-21, issued on June 29, 2022.

On October 26, 2022, the Landlord requested a review of the June 29, 2022 order. The Board held a review hearing on November 21, 2022. On November 30, 2022, the Board issued review order LTB-L-000786-21-RV on the parties' consent.

On January 7, 2023, the Tenant requested a review of the November 30, 2022 consent review order.

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

Determinations:

1. I have listened to the November 21, 2022 review hearing recording and I have reviewed the Board's application record. 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, and/or that the Tenant was not reasonably able to participate in the proceedings.
2. The hearing recording shows that the Tenant attended the November 21, 2022 review proceeding and consented to the terms and conditions in the November 30, 2022 review order. The presiding review adjudicator confirmed with the Tenant that the Tenant understood and consented to the terms of the November 30, 2022 review order. The recording also shows that the Tenant did not request an adjournment of the November 21, 2022 proceeding and the Board's application record does not include a request for a language interpreter, or any other accommodation.



3. The November 21, 2022 review hearing was the second Board proceeding in relation to this application. The Tenant attended and participated in the original June 20, 2022 hearing without requesting an adjournment or a language interpreter.
4. In *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807 (CanLII) (Div. Ct.), the Divisional Court affirmed at paragraph 11 that, for a party who faces a language barrier, “it is incumbent on a party to raise the issue with the tribunal, or for there to be a basis on which the claim of incapability is grounded objectively in events at the hearing.”
5. In this present case, the Tenant did not raise any issue of a language barrier, or any other thing, that interfered with the Tenant’s ability to participate in the proceedings. With the additional absence of a request for a language interpreter, or any other accommodation per the Board’s Rules of Procedure, there was no basis for the Board to determine that the Tenant was, per the Divisional Court in *Lacroix*, “incapable of participating in the hearing ...by reason of factors such as ...language barrier”.
6. I therefore conclude that the Tenant did not establish that they were not reasonably able to participate in the November 21, 2022 review hearing, or that they did not understand the terms and conditions when they consented to the November 30, 2022 review order, because of a language barrier or any other cause. The request to review the review order is accordingly denied.

It is ordered that:

1. The request to review Board review order LTB-L-000786-21-RV, issued on November 30, 2022, is denied. The order is confirmed and remains unchanged.

January 11, 2023

Date Issued

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

Harry Cho

Member, Landlord and Tenant Board

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