



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

Citation: MacFarlane v Bright Star Contracting Ltd., 2022 ONLTB 14630

Date: 2022-12-27

File Number: LTB-T-078331-22-RV (SOT-14346-20)

In the matter of: Main, 568 Weir Road South
Oakville Ontario L6L4X4

Between: Peter MacFarlane Tenant

And

Bright Star Contracting Ltd. Landlord

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-T-078331-22.

Peter Macfarlane (the 'Tenant') applied for an order determining that Bright Star Contracting Ltd (the 'Landlord') substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of the Tenant's household and withheld or deliberately interfered with the reasonable supply of a vital service, care service, or food that the Landlord is obligated to supply under the tenancy agreement.

This application was resolved by order SOT-14346-20 issued on October 27, 2022.

On November 25, 2022 the Tenant requested a review of the order.

On November 30, 2022 interim order SOT-14346-20-RV-IN was issued.

The request was heard in Passcode: 927 9580 4323# on December 19, 2022.

The Tenant and the Landlord attended the hearing.

Determinations:

1. The Tenant had a conflict and wasn't able to attend the hearing on August 24, 2022. The Tenant also stated his authorized representative attend in his place but could not find the Tenant's case on the Board's docket on August 24, 2022.
2. 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.



3. The Tenant's explanation was not reasonable. I reviewed the docket and the Tenant's case was scheduled and heard by the presiding member who dismissed the application since the Tenant did not attend to support the application filed.
4. The Tenant does not dispute he received the Notice of hearing from the Board and was aware of the hearing held on August 24, 2022.
5. The hearing details were correct on the Notice of hearing which was the same Notice that was given to the Landlord who attended the hearing on August 24, 2022.
6. The Tenant's Representative did not attend the review hearing to explain the difficulty encountered on the day of the hearing nor did the Tenant provide any evidence from Salava Yordinova that corroborated the Tenant's claim. This evidence is available and expected evidence that was not provided.
7. The Tenant had a conflict on the day of the hearing and chose not to attend. The Board is mandated to ensure the most efficient use of its time and resources and time was set aside to proceed with the Tenant's application. It's unfortunate that the Tenant choose not to attend and missed the hearing, but it was a result of his own negligence not a result of an error caused by the Board's hearing processes. This is not a situation where the Tenant was inadvertently prevented from attending the hearing.
8. As stated by the Court in *Q Res IV Operating CP Inc. v. Berezovska* 2017 ONSC 5541, "[I]f parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely cost-effective and final orders."
9. The parties are entitled to finality of the process and the application was resolved by order issued on October 27, 2022. Since there is no error in procedure which raises issues of natural justice and the Tenant had an adequate opportunity to participate on August 24, 2022, the review is denied.

It is ordered that:

1. The request to review order SOT-14346-20 issued on October 27, 2022 is denied. The order is confirmed and remains unchanged.

January 9, 2023

Date Issued

Sandra Macchione

Member, Landlord and Tenant Board

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