



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

Citation: Toronto and Region Conservation Authority v Patockova, 2022 ONLTB 14510

Date: 2022-12-19

File Number: LTB-L-018307-22-RV

In the matter of: 9330 Pine Valley Drive
Woodbridge ON L4L1A6

Between: Toronto and Region Conservation Authority Landlord

And

Zita Patockova Tenant

Review Order

Toronto and Region Conservation Authority (the 'Landlord') applied for an order to terminate the tenancy and evict Zita Patockova (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-018307-22 issued on November 30, 2022.

On December 14, 2022, the requested a review of the order.

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

Determinations:

1. The Landlord submits they filed with the LTB a payment agreement pursuant to s.206 of the RTA prior to the scheduled hearing date and requested an order on consent. The Landlord submits they spoke to a representative at the LTB and there was a misunderstanding on whether the Landlord still had to attend the hearing.
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 or that the Landlord was not reasonably able to participate in the proceeding.
3. The s.206 agreement form filed by the Landlord clearly indicates that "if the Board does not issue a consent order, the hearing will take place as scheduled". The form also indicates "if you do not receive an order from the Board before your hearing, you should contact the Board to find out if the hearing has been cancelled". There is no indication on the record or in the submissions that the Landlord was informed by the Board that the hearing was cancelled. The Notice of Hearing also clearly sets out that the application may be dismissed if the Landlord fails to attend the hearing.



4. Based on the above, the Landlord was afforded a reasonable opportunity to participate at the hearing but chose not to attend. The Landlord's failure to attend the hearing, despite the clear language on the s.206 agreement form and the Notice of Hearing, is not a serious error in the order or in the proceedings.

It is ordered that:

1. The request to review order LTB-L-018307-22, issued on November 30, 2022, is denied.
2. The order is confirmed and remains unchanged.

December 19, 2022
Date Issued

Khalid Akram
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.