



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

Citation: PARK PROPERTY MANAGEMENT INC. v Shah, 2022 ONLTB 14034

Date: 2022-12-12

File Number: LTB-L-021464-22-RV

In the matter of: 208, 50 CARABOB CRT
SCARBOROUGH ON M1T3L9

Between: PARK PROPERTY MANAGEMENT INC. Landlord

And

Muhammad Shah, Najia Shah Tenant

Review Order

PARK PROPERTY MANAGEMENT INC. (the 'Landlord') applied for an order requiring Muhammad Shah, Najia Shah (the 'Tenant') to pay the rent that the Tenant owes.

This application was resolved by order LTB-L-021464-22 issued on November 8, 2022.

On November 9, 2022 , the Landlord requested a review of the order.

On November 10, 2022 interim order LTB-L-021464-22-RV-IN was issued.

This application was heard in by videoconference on December 5, 2022.

Only the Landlord's Representative, Anita Sada attended the hearing. The Representative waited until the end of block but the Tenant did not attend the hearing although properly served with Notice.

Determinations:

1. The Landlord's Representative stated she misfiled the Notice in her wrong bring folder file and she inadvertently missed the hearing held on October 25, 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 or that the Landlord was not reasonably able to participate in the proceeding.
3. The parties are entitled to finality of the process and the application was resolved by order issued on November 8, 2022.
4. The Board issued a Notice of hearing and the Landlord doesn't dispute receiving that Notice.

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5. The Board is mandated to ensure the most efficient use of its time and resources and time was set aside to proceed with the Landlord's application. It's unfortunate that the Landlord missed the hearing, but it was a result of their own negligence not a result of an error caused by the Board's hearing processes.
6. 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.
7. The Representative argued that the ability to participate in the hearing should be interpreted broadly. She referred to case law whereby a Tenant's review was granted due to error having mis-diarized the date of the hearing because they were satisfied the Tenant had genuine intention to attend. The prejudice in that case was the finality of eviction to the Tenant and it is not relevant to the case before me since the Landlord has the option to file a new application.
8. I consider brief submissions on the issue of accommodation for the Representative. There was nothing in the review request for accommodation connecting her medical impairments/restrictions and cause to miss the hearing. Even if there was, her medical impairments did not prevent the Representative from participating in other scheduled applications before the Board heard on October 25, 2022 in which she participated.
9. The Member's decision to dismiss the application is a usual outcome since the Landlord failed to attend the hearing to support their application. As such, there's no serious error contained in the order.

It is ordered that:

1. The request to review order LTB-L-021464-22 issued on November 8, 2022 is denied. The order is confirmed and remains unchanged.

December 12, 2022**Date Issued**

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

Sandra Macchione

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.