



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

**Citation:** Sterling Sliver Development Corporation v Ramsey, 2022 ONLTB 14068

**Date:** 2022-12-06

**File Number:** LTB-L-034999-22-RV

**In the matter of:** 0711, 730 DOVERCOURT RD  
TORONTO ON M6H2W9

**Between:** Sterling Sliver Development Corporation Landlord

**And**

Anthony Ramsey Tenant

### Review Order

Sterling Sliver Development Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Anthony Ramsey (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-034999-22, issued on October 28, 2022.

On December 2, 2022, the Tenant requested a review of the order.

On December 5, 2022, I issued interim review order LTB-L-034999-22-RV-IN on an emergency basis. That interim review order stayed the October 28, 2022 hearing order.

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

#### Determinations:

1. I have listened to the August 22, 2022 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 proceeding.
2. In the review request, the Tenant submits that he believes he could have presented a stronger case if he had a legal representative.
3. In *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807 (Div. Ct.) (CanLII), the Divisional Court ruled at paragraph 14: "Parties are entitled to be represented by counsel before the LTB. However, they are not required to be represented by counsel, and a great many parties before the LTB are self-represented." At paragraph 15, the Court noted that, at Board hearings, "many parties are self-represented, and cases are often fact-driven".

4. The hearing recording shows that the Tenant participated in the August 22, 2022 proceeding by leading evidence and making submissions in response to the Landlord's application. The Tenant agreed with the Landlord's evidence of the amount owed for the period ending August 31, 2022. The Tenant introduced evidence about his health and employment status and requested relief from eviction based on his circumstances. The Tenant testified that he is a person with a disability. The Tenant also testified that he hoped to return to work. The Tenant explained that he did not respond to the Landlord's attempts to resolve the rent arrears because he was not employed.
5. Since the hearing recording shows that the Tenant was able to lead evidence and make submissions, I find that the Tenant did not demonstrate that he was not reasonably able to participate in the hearing, or that he was otherwise unduly prejudiced, because he did not have legal representation.
6. The hearing recording also shows that the presiding Board Vice Chair considered appropriate factors when he denied the Tenant's request to adjourn the hearing. The Vice Chair ruled that the prejudice to the Landlord from granting the request outweighed the prejudice to the Tenant from proceeding with the hearing. Additionally, the Board's application record shows that the Tenant did not request that the hearing be rescheduled before the hearing date, per the Board's Rules of Procedure. In *Lacroix*, the Divisional Court observed at paragraph 17: "the LTB generally requires that requests for an adjournment be made in advance of the hearing and not on the day of the hearing."
7. In the circumstances, the Vice Chair's decision to deny the Tenant's request was reasonable and is entitled to deference. The Vice Chair correctly considered the prejudice to the parties from either granting or denying the Tenant's request, and the Tenant did not ask in advance of the hearing date to reschedule the proceeding.
8. The Tenant has therefore not established that a serious error may have occurred at the August 22, 2022 hearing, or that a serious error exists in the October 28, 2022 order. The Tenant's request to review the order must accordingly be denied.

**It is ordered that:**

1. The request to review order LTB-L-034999-22, issued on October 28, 2022, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on December 5, 2022 is cancelled. The stay of order LTB-L-034999-22 is lifted immediately.

**December 7, 2022****Date Issued**

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**Harry Cho**

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.