



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

**Citation:** Dagher v Weir, 2022 ONLTB 13740

**Date:** 2022-12-01

**File Number:** LTB-L-022897-22-RV

**In the matter of:** Basement, 1334 AVENUE RD  
TORONTO ON M5N2G9

**Between:** Rony Dagher Landlord

**And**

Tennisha Weir Tenant

### Review Order

Rony Dagher (the 'Landlord') applied for an order to terminate the tenancy and evict Tennisha Weir (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-022897-22 issued on November 23, 2022.

On November 30, 2022, the Tenant requested a review of the order.

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

### Determinations:

1. The Tenant alleges they were not reasonably able to participate at the hearing. In the request, the Tenant states the following:

The reason I did not attend the court date November 9<sup>th</sup> because I was under the impression that my landlord and I would work it out. I asked the landlord manager if I needed to attend the morning of and she just told me she would let me know how everything goes.

2. On the basis of the submissions made in the request, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding. The Tenant was afforded a reasonable opportunity to participate at the hearing but chose not to attend either wilfully or negligently.
3. It appears from the submissions made in the request that the Tenant received the Notice of Hearing. The Notice of Hearing underscores the importance of attending the hearing. The Notice of Hearing states:

**THIS HEARING WILL DEAL WITH A POSSIBLE EVICTION FROM THE RENTAL UNIT.**

**\*\*\*It is very important for you to participate in this hearing. If you are late, or if you do not attend your hearing, it may take place without you.\*\*\***

4. The Tenant's explanation for not attending the hearing is unreasonable. There is no indication that there was an agreement between the parties which would lead a reasonable person to believe that the matter was settled. It was unreasonable for the Tenant to rely on the Landlord's managers words especially given that the matter was not settled.
5. The remainder of the submissions made in the request are not relevant to whether the Tenant was reasonably able to participate. They pertain to the Tenant's circumstances which could have been considered at the hearing.

**It is ordered that:**

1. The request to review order LTB-L-022897-22, issued on November 23, 2022 is denied.
2. The order is confirmed and remains unchanged.

**December 1, 2022**

**Date Issued**

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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.