



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

Citation: Heritage Community Housing Corporation v Dias, 2022 ONLTB 13727

Date: 2022-12-01

File Number: LTB-L-044912-22-RV

In the matter of: 212, 250 HICKORY ST S
WHITBY ON L1N9G8

Between: Heritage Community Housing Corporation Landlord

And

Shane Dias Tenant

Review Order

Heritage Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Shane Dias (the 'Tenant') because:

- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex involving the production of an illegal drug, the trafficking in an illegal drug or the possession of an illegal drug for the purposes of trafficking.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-044912-22 issued on November 21, 2022.

On November 28, 2022, the Tenant requested a review of the order.

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

Determinations:

- The Tenant says they were not reasonably able to participate at the hearing due to the Tenant's learning disability and ADHD. Additionally, the Tenant alleges a serious error occurred because his disability was not adequately accommodated.
- 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 Tenant was not reasonably able to participate in the proceeding.

2022 ONLTB 13727 (CanLII)

3. The Tenant was reasonably able to participate at the hearing. The Tenant was present at the hearing and spoke with Duty Counsel prior to the hearing. The Tenant was participated at the hearing and was able to give evidence and make submissions.
4. With respect to the alleged failure to accommodate the Tenant's disability, I note that there is nothing on the record or in the Tenant's request by way of medical documentation to corroborate the Tenant's disability.
5. Accommodation is a collaborative process. In order to trigger the Board's duty to accommodate, the Tenant must request accommodation and make their needs known. The Board's record does not indicate that the Tenant requested accommodation for his disabilities. The review request does not allege that the Tenant informed the presiding member about the Tenant's disability. There is no indication in the order that the Tenant's disability and accommodation was ever raised as an issue during the hearing.
6. Accordingly, the Tenant's request to review is denied.

It is ordered that:

1. The request to review order LTB-L-044912-22, issued on November 21, 2022, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on November 30, 2022 is cancelled. The stay of order LTB-L-044912-22 is lifted immediately.

December 1, 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.