



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

Citation: Hastings Local Housing Corp. v Leveque, 2022 ONLTB 13527

Date: 2022-11-29

File Number: LTB-L-013296-22-RV

In the matter of: Po Box 908, 53 Green St
Deseronto ON K0K1X0

Between: Hastings Local Housing Corp. Landlord

And

Larry Leveque, Patricia Leveque Tenants

Review Order

Hastings Local Housing Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Larry Leveque, Patricia Leveque (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-013296-22 issued on November 2, 2022.

On November 23, 2022, the Tenant, P. Leveque (PL), a review of the order, alleging that she was not reasonably able to participate in the hearing held on September 13, 2022.

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

Determinations:

1. The Tenants did not attend the hearing held on September 13, 2022, and a standard termination order was issued.
2. The Tenant, P. Leveque (PL) filed a request for a review alleging that she was not reasonably able to participate in the hearing held on September 13, 2022. PL states that she received a notice of hearing, and she spoke to the property manager. She states that, after they spoke, she believed the "matter to be resolved and that I did not have to attend the hearing on September 13, 2022." PL said nothing about why the other Tenant, L. Leveque, did not attend the hearing.
3. The Tenants were asked to elaborate on what they meant by saying they believed the matter was resolved. PL responded by saying that she believed the property manager told her she did not have to come to the hearing.
4. I do not find that the Tenant was not reasonably able to participate in the hearing for the reasons that follow.

5. PL admits that she received the notice of hearing. The notice of hearing clearly communicates that it is very important that the Tenants attend the hearing, because if they do not, it may take place without them, and a decision will be made based “on only the Landlord’s evidence”.
6. In her added explanation for why she believed the matter was resolved, the Tenant only stated that she “believed” that the property manager had informed her that she need not attend the hearing. PL has not stated that she was told there were no arrears, or that she has evidence that there were no arrears owing when she spoke with the property manager. The Tenants received the notice of hearing, and they were reasonably able to participate. It was not reasonable for PL to believe that the matter had been resolved, and it was therefore negligent of the Tenants to fail to attend the hearing in light of what is stated in the notice of hearing, as mentioned above in paragraph 5.
7. 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.

It is ordered that:

1. The request to review order LTB-L-013296-22 issued on November 2, 2022, is denied. The order is confirmed and remains unchanged.

November 29, 2022
Date Issued

Nancy Morris
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.