



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

Citation: Schmidt v Groen, 2022 ONLTB 12583

Date: 2022-11-24

File Number: LTB-L-001282-22-RV

In the matter of: 115 SCENIC WOOD CRES
KITCHENER ON N2A3N2

Between: Jeanette Schmidt Landlord

And

Owen Drover Tenants
Tracey Groen

Review Order

Jeanette Schmidt (the 'Landlord') applied for an order to terminate the tenancy and evict Owen Drover and Tracey Groen (the 'Tenants') because the Tenants did not pay the rent that the Tenant owes (L1 application) and because the Tenants have been persistently late in paying the rent (L2 application).

The matter was heard by way of videoconference on August 23, 2022. Only the Landlord's legal representative Jane Dean attended the hearing, and the matter was heard on an uncontested basis at 9:45am. The Board's records confirm that the Tenants logged into the videoconference at approximately 10:05am on this date. This application was resolved by order LTB-L-001282-22 issued on August 29, 2022.

On September 7, 2022, the Tenants requested a review of the order and that the order be stayed until the Tenants' request to review the order is resolved. The Tenants' request for review alleges that the Tenants experienced technical difficulties on the August 23, 2022 hearing date and as such, were not reasonably able to participate in the hearing.

On September 8, 2022 interim order LTB-L-001282-22-RV-IN was issued, staying order LTB-L-001282-22.

This request for review was heard in by videoconference on November 15, 2022. The Landlord and the Landlord's legal representative attended the hearing. The Tenants were not present, despite being served with notice of hearing by the Board. The matter was heard on an uncontested basis at 9:30am.

At approximately 12:50pm, the Tenant Tracey Groen logged into the videoconference and was advised that the request had already been heard on an uncontested basis.

2022 ONLTB 12583 (CanLII)

Determinations:

1. As the Tenants did not attend the hearing to support their request for a review, their request for a review will be denied.

It is ordered that:

1. The request to review order LTB-L-001282-22 issued on August 29, 2022 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on September 8, 2022 is cancelled. The stay of order LTB-L-001282-22 is lifted immediately.

November 24, 2022
Date Issued

Fabio Quattrociochi
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.