



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

Citation: Ghafoori v Moshi, 2022 ONLTB 12372

Date: 2022-11-15

File Number: LTB-L-015853-22-RV

In the matter of: 45, 246 JOHN GARLAND BLVD
ETOBICOKE ON M9V1N8

Between: Ali Ghafoori Landlord

And

Youkhana Moshi Tenant

Review Order

Ali Ghafoori (the 'Landlord') applied for an order to terminate the tenancy and evict Youkhana Moshi (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-015853-22 issued on October 25, 2022.

On November 10, 2022, the Landlord requested a review of the order.

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

Determinations:

1. The Landlord did not attend the merits hearing for his application, and it was dismissed as abandoned.
2. The Landlord filed his request for a review alleging that he was not reasonably able to participate in the hearing held on September 28, 2022.
3. In the box reserved for the explanation of why the Landlord was not reasonably able to participate in the hearing, the Landlord said that he was "Busy on requesting emergency issue on other my units" (sic).
4. Section 209(2) of the *Residential Tenancies Act, 2006* (the 'Act') provides that the Board has the power to review a decision or order "if a party to a proceeding was not reasonably able to participate in the proceeding."
5. The Board's Interpretation Guideline #8 states that the LTB will refuse requests where the requestor's absence was the result of negligence or if it finds no reasonable explanation why he or she was not present in the hearing room when the application was decided.

6. The Landlord does not allege that he was unaware of the hearing, and he did not ask for an adjournment or a rescheduling of his hearing in advance. The Landlord did not send a representative to the hearing to ask for an adjournment.
7. I find that the Landlord's explanation does not support the allegation of not being reasonably able to participate in the hearing, but rather that he had other priorities. He chose not to send a representative to the hearing to provide an explanation or ask for an adjournment, even though he was aware of what the consequence might be if he did not attend. The Landlord was reasonably able to participate in the hearing, but he was negligent about his attendance at the hearing. Consequently, the Landlord's request for a review will be denied.
8. 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 Landlord was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-015853-22 issued on October 25, 2022, is denied. The order is confirmed and remains unchanged.

November 15, 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.

