



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

**Citation:** White v Kennedy, 2022 ONLTB 10517

**Date:** 2022-11-02

**File Number:** LTB-L-007007-22-RV

**In the matter of:** 802, 380 DUCKWORTH ST  
BARRIE ON L4M6J8

**Between:** Soula White Landlord

**And**

Jessica Kennedy Tenant

### Review Order

This application was resolved by order LTB-L-007007-22 issued on September 15, 2022.

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

The request was heard on October 26, 2022. The Landlord's representative Soula White, and the Tenant, attended the hearing.

#### Determinations:

1. The Tenant claims she was not reasonably able to participate. The Tenant submits she was in the hospital from August 8<sup>th</sup> to August 13<sup>th</sup>. The hearing was held three days later on August 16<sup>th</sup>. The Tenant also testified her phone card wasn't paid and that was why she could not participate.
2. The Landlord testified submits the Landlord has attempted to work with the Tenant and has reached out several times to arrange for a repayment plan. The Tenant has either not responded or not shown up for appointments.
3. The order was issued on September 15, 2022. The Tenant did not reach out the Landlord and the Landlord filed the order with the Sheriff. The Sheriff's notice was posted on September 27<sup>th</sup>. The order was to be enforced on October 4<sup>th</sup>. The Tenant filed the request to review on September 30, 2022.
4. 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. The Tenant was aware of the hearing, did not attempt to contact the Landlord or the Board after missing the hearing, and waited until shortly before the Sheriff was to enforce to order to make any effort to deal with the situation. In addition, the Tenant owes a substantial amount or rent to the Landlord.

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5. At the hearing the Tenant requested additional time to vacate the rental unit. The Landlord agreed to delay the eviction until the end of November.
6. Based on the requests and submissions, I find it fair to provide the Tenant with additional time to relocate. The stay will be lifted on November 30, 2022.

**It is ordered that:**

1. The request to review order LTB-L-007007-22 issued on September 15, 2022 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on October 3, 2022 is cancelled. The stay of order LTB-L-007007-22 is lifted on November 30, 2022

**November 2, 2022**

**Date Issued**

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Greg Joy  
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.