



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

Citation: Beckert v Whitford, 2024 ONLTB 57743

Date: 2024-08-07

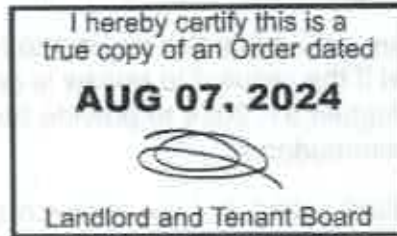
File Number: LTB-L-095126-23-RV

In the matter of: 118 CARLETON ST
CORNWALL ON K6H4X2

Between: Claire Beckert
Tyson Beckert

And

Tiffany Whitford



Landlords

Tenant

Review Order

Claire Beckert and Tyson Beckert (the 'Landlords') applied for an order to terminate the tenancy and evict Tiffany Whitford (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-095126-23 issued on May 15, 2024. Only the Landlords attended the original hearing on April 22, 2024.

On May 20, 2024, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On May 21, 2024 interim order LTB-L-095126-23-RV-IN was issued, staying the order issued on May 15, 2024.

This request to review was heard in by videoconference on July 29, 2024.

The Landlords and the Tenant attended the hearing.

Determinations:

1. In the request to review the Tenant asserted that she did not attend the April 22, 2024 hearing because she mixed up the hearing date for this matter with the hearing date for a different application.

Evidence and Positions of the Parties

2. At the review hearing the Tenant said that there is a hearing for an L2 application filed by the Landlords scheduled for September 17, 2024, and she initially mixed up that hearing date with the April 22, 2024 hearing date for this L1 application.
3. She said that because of this initial mix up, she was not prepared to proceed with the L1 application on April 22, 2024. She said that she sent a text message to the Landlord, Claire Beckert, on the morning of April 22, 2024 about the hearing. The Tenant said she could have joined the hearing on April 22, 2024 but didn't because she was not prepared.
4. The Tenant asked that the request to review be granted and the application reheard. She asked that if the request to review is denied then the stay on order LTB-L-095126-23 be lifted on August 31, 2024 to provide her with a reasonable amount of time to secure new living accommodation.
5. The Landlord asked that the review request be denied and that the stay be lifted immediately. They believed the Tenant is already prepared to leave and has family or friends she stay with.

Law & Analysis

6. Being reasonably able to participate in a hearing must be interpreted broadly because it is a matter of natural justice: *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708 (ON SCDC), para 3.
7. At the same time, parties are required to act with diligence in legal proceedings before the LTB. Failing to attend a hearing due to a lack of diligence is not a valid reason to grant a request to review. "If parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders": *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541, para 8.
8. In this case, I find that the Tenant's failure to attend the April 22, 2024 hearing was the result of her own lack of diligence in dealing with this legal proceeding. While it is understandable that an unrepresented person may be confused about dates when receiving two notices of hearing for two different applications, a careful reading of both notices of hearing and the documents provided by the LTB therewith would eliminate any such confusion. This, combined with the fact that the Tenant was aware of the hearing on the hearing date and chose not to attend because she was not prepared leads me to conclude that the Tenant was reasonably able to participate in the hearing, but did not due to a lack of diligence.
9. On the basis of the submissions made in the request, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding.
10. In the circumstances, I find the Tenant's request that the stay on order LTB-L-095123-23 be lifted on August 31, 2024 is reasonable. This will allow her a reasonable amount of time to secure other living accommodation and vacate the rental unit.

It is ordered that:

1. The request to review order LTB-L-095126-23 issued on May 15, 2024 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on May 21, 2024 is cancelled. The stay of order LTB-L-095126-23 is lifted on August 31, 2024.

August 7, 2024
Date Issued



Mark Melchers
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.