



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

File Number: LTB-L-033225-25-RV

In the matter of: 31, 2150 6TH AVE E
OWEN SOUND ON N4K0B8

Between: Owen Sound Municipal Non-Profit Housing Corporation Landlord

And

Jennifer Coke Tenant

Review Order

Owen Sound Municipal Non-Profit Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Jennifer Coke (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in the order issued by the Board on January 29, 2025 with respect to application Itb-l-080625-24.

This application was resolved by order LTB-L-033225-25 issued on April 30, 2025 on ex parte basis.

On May 6, 2025, the Tenant filed a motion to set aside the ex parte order and a hearing was scheduled on June 17, 2025 where the Tenant did not attend and order LTB-L-033225-25-SA was issued on June 25, 2025 denying the motion and lifting the stay.

On July 14, 2025, the Tenant filed a request to review and interim order LTB-L-033225-25-SA-RV-IN was issued on July 15, 2025, staying the order issued on June 25, 2025.

The request to review was heard by videoconference on July 30, 2025.

The Landlord's agent, Shari Huber and the Tenant attended the hearing. I note the Tenant attended and participated throughout the hearing process and disconnected when it was time to provide closing submissions.

Determinations:

1. For the reasons that follow, the request to review is denied and the stay is lifted immediately.

Preliminary Request to remove Jeffrey Cooke as a named Tenant

2. At the hearing, the Tenant sought to remove Jeffrey Cooke as a named Tenant as he has not resided in the rental unit since June 24, 2024 and the Landlord has been aware of this fact since he was removed by a restraining order. When the Landlord was asked the same, the Landlord told the Tenant she needed to sign a new lease.
3. The Landlord submits they were aware he had moved out and have not seen him at the property. The Landlord also had no issue at the hearing to remove Jeffrey Cooke.
4. Although the lease agreement was a joint one, I find that given the evidence of the parties and considering the leading case in *1162994 Ontario Inc. v. Bakker*, 2004 CanLII 59995 (ON CA), particularly the level of attachment he has to the rental unit, the circumstances warrant the removal of Jeffrey Cooke from a named Tenant and therefore Tenant's request is granted.

REQUEST TO REVIEW

5. The Tenant submits they were not reasonable able to participate at the hearing held on June 17, 2025 as they experienced issues with their nephew that day and the police attended the unit to have him removed. The Tenant submits she did not inform the Landlord about these issues as the Landlord was on holidays. The Tenant submits she did not send a representative to the hearing to seek an adjournment either nor did she call the LTB to explain she would not be able to attend the hearing.
6. The Tenant seeks that the Board order the Landlord to transfer her to a lower unit that is more affordable and wants the opportunity to work something out with the Landlord.
7. The Landlord confirms there was no police attendance at the property on the day of the hearing as nothing was reported by the residents of the premises but also because the Landlord's office is located one block away from the residential complex and there is no documentation to support the Tenant's assertion.
8. Further, the Landlord submits the only police attendance that took place at the property was on July 9, 2025 with respect to a trespass notice request. The Landlord submits the office was open during the period in question and submits the Tenant is not being truthful in her evidence.
9. Pursuant to subsection 209(2) of the Residential Tenancies Act, 2006 the Board is empowered to review an order where a party to a proceeding was "not reasonably able to participate" in the hearing.
10. The question of what the phrase "not reasonably able to participate" means has been before the Divisional Court in a number of appeals from Board orders. What all of the Divisional Court cases have in common is the notion of fairness: a party who does not know about a hearing should have a chance to participate in a new one; a party that knows about the hearing and genuinely wants to participate but does not, should still have an opportunity to be heard.
11. On the basis of the submissions made before the Board, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding. I say this because while the Tenant asserts there was a criminal issue she was dealing with on the day of the hearing,

there was no corroborating evidence submitted to support the Tenant's assertions, particularly in the face of the Landlord's denial that police attended the property. It is clear that she was aware of the hearing date but why she failed to attend remains a mystery.

12. While not articulated at the hearing, the Tenant's review request alleges the order contains serious errors as her unit is rent-geared-to-income and she alleges a tax assessment has not been performed. The problem with this assertion is that the Board does not have jurisdiction to address any eligibility of subsidies for social housing units pursuant to section 203 of the *Residential Tenancies Act, 2006*.
13. Therefore, the request to review is denied and I must determine when to lift the stay.
14. The Tenant submits she's resided in the unit since December 2022 and seeks a delay of 15 days to move out. She submits she lives alone, is on ODSP, is not working as of the hearing date and has a chronic illness. The Landlord does not oppose the Tenant's request for a delay of 15 days.
15. As the time sought by the Tenant has passed, the stay shall be lifted immediately.
16. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The application is amended to remove Jeffrey Cooke as a named Tenant.
2. The request to review order LTB-L-033225-25-SA issued on June 25, 2025 is denied. The order is confirmed and remains unchanged.
3. The interim order issued on July 15, 2025 is cancelled.
4. The stay of order LTB-L-033225-25-SA is lifted immediately.

January 21, 2026

Date Issued

Sonia Anwar-Ali

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.