

2012 CarswellOnt 8617
Ontario Superior Court of Justice (Divisional Court)

Lalsee v. Friginette

2012 CarswellOnt 8617, 217 A.C.W.S. (3d) 848

Agnes Lalsee, Plaintiff (Respondent) v Karl Friginette, Defendant (Appellant)

Jennings J.

Judgment: May 18, 2012

Docket: Toronto 565/11

Counsel: Douglas H. Levitt, for Plaintiff / Respondent

Subject: Property; Civil Practice and Procedure

Headnote

Real property --- Landlord and tenant — Residential tenancies — Termination of tenancy — Practice and procedure — Appeal or review

Tenant occupied premises without making single rental payment — Board terminated tenancy and ordered tenant to vacate — Tenant refused to vacate and requested review — At review, settlement was negotiated and consent order was entered into denying review and confirming eviction order — Tenant appealed consent order — Appeal dismissed — No issue of law was raised — No leave to appeal consent order was sought — Appeal was without merit — Eviction was to proceed.

APPEAL by defendant tenant from consent order confirming eviction order.

Jennings J.:

1 This is as flagrant an abuse of the court process as I have encountered. The appellant has occupied the premises since Nov. 11, 2010 without making a single rental payment. The Board terminated his tenancy and ordered him to vacate by July 17, 2011. He did not do so. On Aug. 8, 2011 he requested a review. The hearing was scheduled for Oct. 21, 2011. Friginette appeared with counsel, a settlement was negotiated and ON CONSENT the request for review was denied and the eviction order was confirmed. It is that consent order that Friginette has appealed.

2 No issue of law is raised. No leave to appeal the consent order has been sought. The appeal is utterly without merit and brought solely in an effort to continue living rent free at the landlord's expense.

3 The appeal is quashed. The stay is lifted and the eviction is to proceed forthwith. Costs fixed at \$5662.00, inclusive.
Appeal dismissed.