

[5] On November 28, 2025, the court received a request for an adjournment from Ioana Beckford, the Appellant's mother. In her communication to the court, Ms. Beckford advised that she was a "Substitute Decision Maker". The conference was adjourned. In my direction, I asked Ms. Beckford to file materials to clarify whether she was seeking to be a litigation guardian and to clarify the nature of her decision-making authority.

[6] Ms. Beckford filed a power of attorney for personal care, under the *Substitute Decisions Act*, 1992, S.O. 1992, c. 30, to be used if the Appellant was unable to make decisions. It was unclear whether the Appellant was unable to make decisions.

[7] The parties attended a case management conference before Matheson, J. on December 6, 2024. Ms. Beckford requested an adjournment because the Appellant was in hospital and being assessed by CAMH. The adjournment was granted, with conditions. The conditions included no noise from his unit, no tampering with smoke detectors, no damage to the building or unit, no entering or exiting through the window, and only one guest at a time. In Matheson, J.'s direction, specific instructions were provided with the steps required to become a litigation guardian, and Ms. Beckford was reminded that a lawyer must represent a litigation guardian.

[8] Ms. Beckford filed a Community Treatment Order, confirming that the Applicant was incapable of making decisions, and accepting Ms. Beckford as the substitute decision maker for personal care.

[9] The parties attended a further conference before me on January 3, 2025. Prior to the conference Ms. Beckford requested another adjournment. I denied her request. However, at the conference, I agreed to adjourn the matter until January 17, 2025. My direction provided as follows:

There have been a number of requests for adjournments since filing the appeal of the LTB order, dated September 11, 2024, and the reconsideration decision, dated October 17, 2024. The Tenancy was terminated because of a finding of "substantial interference with the reasonable enjoyment" of the property by other tenants.

Case management conferences were scheduled to establish a schedule for exchange of appeal materials and the date for hearing of the appeal. In addition, the respondent has brought a motion to lift the stay, which motion needs to be scheduled. However, no schedules have been set.

On December 6, 2024, Justice Matheson set out a number of terms as a condition of granting the adjournment. Those terms remain in place. The respondent submits that the appellant has breached the terms and wants to proceed with the motion to lift the stay. The appellant's mother, Ioana Beckford, has advised that she is a "Substitute Decision Maker" (SDM) for the Appellant but has not taken the appropriate steps to be designated a litigation guardian. She is again directed to r. 7 of the *Rules of Civil Procedure*, which can be found here:

<https://www.canlii.org/en/on/laws/regu/rro-1990-reg-194/latest/rro-1990-reg-194.html>.

As set out in r. 7.05(3), a litigation guardian shall be represented by a lawyer and shall instruct the lawyer in the conduct of the proceeding. Ms. Beckford is still in the process of retaining a lawyer. However, given the passage of time, she is expected to attend the next conference with counsel or the court may need to determine whether the appeal can proceed.

At the next conference, scheduled for January 17, 2025, at 10 am, a date will be set for the exchange of material and the hearing of the respondent's motion to lift the stay. A timeline for the exchange of the appeal material may also be set and the appeal hearing scheduled.

[10] The evidence before the court, by way of an affidavit filed, was that the Appellant continued to breach the conditions set by Matheson, J. as a condition for continuing the automatic stay of eviction. The Respondent again asked to schedule their motion to lift the stay.

[11] The parties attended before me on January 17, 2025. Ms. Beckford only started to look for a lawyer on January 10, by speaking to a legal clinic. My direction from that attendance is as follows:

Ms. Beckford advised the court that she consulted with a neighbourhood legal clinic to retain counsel. A letter was received by the clinic, confirming that they are working with Ms. Beckford to find a lawyer for her. As per the Court's previous directions, Ms. Beckford was advised several times that as a litigation guardian for her son (yet still to be formalized by the Court), she must be represented by counsel.

In the meantime, the Landlord advises that the Tenant, Ms. Beckford's son, continues to breach the terms set in place by the court as a condition for continuing the stay. The Landlord may proceed with their motion to lift the stay. Their motion material should be served prior to the next conference, scheduled for January 31, 2025, at 9am. If Ms. Beckford attends with counsel, the parties should be prepared to discuss a schedule for the exchange of material for and hearing of the motion, as well as a schedule for the appeal material. If Ms. Beckford attends without counsel, this Court will dismiss the appeal because reasonable steps have not been taken to move the appeal forward.

[12] At the January 31, 2025, conference, Ms. Beckford attended without counsel. She advised that she was going to look into the appointment of the Public Guardian and Trustee or obtain Legal Aid, but she had taken no steps, other than a letter to the PGT.

[13] The Respondent filed affidavit material, setting out details of the Appellant's breach of the conditions, and describing behaviour that put the safety of the other tenants at risk, including

continuing to disable smoke detectors. The fire department has attended on a number of occasions because of smoke coming from the Appellant's unit. The affidavit describes breaches of the conditions every day except for two days, including breaking a window to allow people to enter his unit to avoid being detected entering the front of the building. I accept that the situation is untenable for the other tenants.

[14] The Appellant commenced the appeal in early November 2024. Almost three months have passed, and no steps have been taken to move this matter forward. The parties are not able to even set a schedule for the exchange of material.

[15] It was unclear whether the appeal was appropriately constituted because Ms. Beckford had not been appointed litigation guardian, and she did not have counsel representing her at any time during the proceedings. It was unclear who prepared and filed the appeal material on the Appellant's behalf.

[16] Ms. Beckford did not file an affidavit under r. 7.01(2) consenting to act as a litigation guardian, or confirming the other information required as set out therein. Further, at no time was she represented by counsel, contrary to r. 7.05(3). She was not in a position to commence or to continue the litigation, despite many indulgences, adjournments, and warnings from this court.

[17] The delay in moving forward goes to the very issue of whether the appeal was properly constituted or whether anyone has standing to move this matter forward at all.

[18] In the meantime, the Landlord and the other tenants continue to be prejudiced by the delay.

[19] I find that Ms. Beckford has not taken reasonable steps to move this litigation forward.

[20] The Appellant himself has not appeared. If he is not under disability, he too has taken no steps to move this litigation forward.

[21] Even if I am wrong in dismissing the appeal, there are sufficient grounds to lift the stay pending appeal, given the breach of terms set out in Matheson, J.'s direction. Lifting the stay of eviction would make the appeal moot in these circumstances.

[22] The appeal is dismissed without costs and the stay of eviction is lifted.

“Shore J.”

CITATION: Beckford v. Houselink and Mainstay Community Housing, 2025 ONSC 1930
DIVISIONAL COURT FILE NO.: DC-24-00000682-0000
DATE: 20250328

ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT

BETWEEN:

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REASONS FOR DECISION

Shore J.

Released: March 28, 2025