



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

File Number: LTB-L-047535-25-RV

In the matter of: 1109, 166 CARLTON ST
TORONTO ON M5A2K5

Between: Allan Plaza Apartments Landlord

And

Shawn Roy Tenant

Review Order

Allan Plaza Apartments (the 'Landlord') applied for an order to terminate the tenancy and evict Shawn Roy (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-047535-25 issued on October 3, 2025.

On October 30, 2025, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On October 31, 2025 interim order LTB-L-047535-25-RV-IN was issued, staying the order issued on October 3, 2025.

This application was heard by videoconference on November 26, 2025.

The Landlord's legal representative Eric Steiman, Landlord's agent Andi Koci, the Tenant's legal representative Samuel Mason, and the Tenant attended the hearing.

Determinations:

1. The Tenant filed a Request to Review on the basis that they were unable to reasonably participate in the original hearing.

2. The Tenant testified that they have resided in the rental unit since 1998 and have lived within the residential complex for over 36 years. The Tenant acknowledged being aware of the scheduled hearing on October 1, 2025, but was unable to attend due to a medical appointment. Notably, on September 25, 2025, the Tenant received confirmation for a medical appointment that had been pending for 14 months. To substantiate this, the Tenant submitted a letter from Dr. Goodhew, dated November 17, 2025, confirming attendance at a “critical medical appointment at Women’s College Hospital on October 1, 2025.”
3. Upon learning of the appointment, the Tenant promptly contacted the superintendent to seek an adjournment and also submitted a formal request to reschedule the hearing with the Board.
4. In *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708 (ON SCDC), the Divisional Court emphasized: “Being reasonably able to participate in the proceeding must be interpreted broadly; natural justice requires no less.”

Similarly, in *Timbercreek Asset Management Inc. v. Soufi*, 2024 ONSC 4041, the Court held: “The appellant has a completely reasonable explanation for his arriving late and missing the 2019 hearing—a flat tire. He conducted himself responsibly. Upon arriving, he learned his hearing had concluded and that he would need to file a review. He sought legal advice and promptly filed a Request to Review.”

5. In the present matter, the Tenant acted responsibly and reasonably under the circumstances. Missing the hearing was understandable given the nature of the “critical medical appointment” as confirmed by Dr. Goodhew.
6. Considering the totality of the evidence and submissions, I am satisfied that the Tenant was not reasonably able to participate in the original proceeding. This conclusion aligns with principles of natural justice and the broad interpretation in the above-noted decisions.

It is ordered that:

1. The request to review order LTB-L-047535-25 issued on October 3, 2025 is granted. The order is cancelled.
2. The interim order issued on October 31, 2025 is cancelled.
3. The matter shall be heard de novo.

January 7, 2026
Date Issued

Brett Lockwood
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.