



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

File Number: LTB-L-051030-25-RV

In the matter of: 607, 395 EDINBURGH RD N
GUELPH ON N1H0C6

Between: Victoria Park Management Landlord

And

Thomas Douglas Tenant

Review Order

Victoria Park Management (the 'Landlord') applied for an order to terminate the tenancy and evict Thomas Douglas (the 'Tenant') because:

- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex involving the production of an illegal drug, the trafficking in an illegal drug or the possession of an illegal drug for the purposes of trafficking.

This application was resolved by order LTB-L-051030-25 issued on October 24, 2025.

On November 7, 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 November 10, 2025 interim order LTB-L-051030-25-RV-IN was issued, staying the order issued on October 24, 2025.

This application was heard by videoconference on December 2, 2025.

The Landlord's legal representative Patrick Langille, Landlord's agent Deborah Neve, and the Tenant attended the hearing.

Determinations:

1. The Tenant filed a Request to Review, alleging that he was unable to reasonably participate in the original hearing. He testified that he received the Notice of Hearing but logged in late at 10:00 a.m. Upon reviewing the Board's records, it is clear that the Tenant actually logged into the hearing at 10:42 a.m.

2. The Tenant submitted that he suffers from a medical condition that affects his decision-making, as well as substance abuse and diabetes. He stated that on the day of the hearing he was intoxicated, which impaired his ability to function. However, the Tenant did not provide any supporting documentation regarding his medical condition or its impact on his ability to participate.
3. In these circumstances, I find that the Tenant's claim that he was unable to participate is not reasonable. In *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708, the Divisional Court held that "being reasonably able to participate in the proceeding must be interpreted broadly; natural justice requires no less."
4. Natural justice requires that a party who has not been given a reasonable opportunity to participate in a proceeding that results in an order against their interests should be afforded that opportunity. However, what distinguishes *King-Winton* from the present case is that the Tenant did have an opportunity to participate. I do not accept the Tenant's evidence that he was too impaired to log in, as he did in fact log into the hearing, albeit late. Furthermore, I draw an adverse inference from the Tenant's failure to submit any medical records to support his claim that his condition affected his ability to participate.
5. As stated by the Court in *Q Res IV Operating CP Inc. v. Berezovska*, 2017 ONSC 5541: "[I]f 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."
6. Based on the evidence and submissions, I conclude that the Tenant has not established that he was not reasonably able to participate in the original hearing.

It is ordered that:

1. The request to review order LTB-L-051030-25 issued on October 24, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on November 10, 2025, is hereby cancelled. The stay of Order LTB-L-051030-25 will be lifted effective February 28, 2026. I find this to be an appropriate date as the parties consented at the hearing to an extension of 60 days.

January 9, 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.