



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

Citation: 2831848 Ontario Ltd. v Cousins, 2026 ONLTB 2045

Date: 2026-01-05

File Number: LTB-L-068452-25-RV

In the matter of: 16, 415 MOSLEY ST
TORONTO ON L9Z2J8

Between: 2831848 Ontario Ltd.

Landlord

And

Dayna Cousins

Tenant

Review Order

2831848 Ontario Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Dayna Cousins (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-068452-25 issued on October 27, 2025.

On November 25, 2025, the Landlord requested a review of the order.

On November 26, 2025 interim order LTB-L-068452-25-RV-IN was issued.

This request for review was heard by videoconference on December 10, 2025.

Only the Landlord attended the hearing. I was satisfied that the Tenant had received the Notice of Hearing and there was no request to adjourn before me. Based on this, I proceeded to hear the review at 1:20 p.m.

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that the Landlord was not reasonably able to participate in the proceeding.
2. In the review request, the Landlord states they had an emergency on the hearing date, and she asked her real estate agent to help her by attending the hearing on October 20, 2025. The Landlord learned the day after the hearing that the real estate agent did not attend the hearing on the Landlord's behalf as he forgot.
3. In her testimony, the Landlord explained she was not able to attend at the hearing because she was required to drive her son to school and, given the distance, she would not be available in adequate time to attend the hearing. She stated that she had arranged for her real estate agent to appear on her behalf; however, he did not attend the hearing.

4. The Landlord was asked to clarify her review request and explain why she believed that driving her son to school constituted an emergency. She testified that her son had no other means of transportation and that she felt obligated to drive him, as it was ultimately her responsibility to ensure he arrived safely.
5. The LTB's power to review a decision may be exercised if a party to a proceeding was not reasonably able to participate in the proceeding. The case law from the Divisional Court generally instructs that the meaning of the phrase "not reasonably able to participate" should be interpreted broadly to ensure natural justice and, where a party shows that they genuinely intended to participate in a hearing but was prevented from so doing, then they should be entitled to a hearing through the review process. However, this genuine intent to participate must be borne out by the evidence, such as actions and conduct by the party, which clearly demonstrate the party's intent to participate in the hearing.
6. Based on the evidence before me, I am not satisfied that the Landlord acted diligently. It was not diligent for the Landlord to assume that her real estate agent would attend the hearing on her behalf and the expectation that the Board would accept that her agent forgot to attend and not have the agent attend this review hearing also shows a lack of due diligence.
7. As stated by the Court in *Q Res IV Operating CP Inc. v. Berezovs'ka* 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".
8. I am not satisfied that the Landlord was not reasonably able to participate in the proceeding as she has not demonstrated that she exercised reasonable diligence to attend and participate in the hearing nor provide any documentary evidence to establish that she made arrangements to have someone attend on her behalf.
9. Based on the above, I conclude that the Landlord has not shown good cause that she was not reasonably able to participate in the proceeding or that she exercised reasonable diligence in the circumstances to attend the hearing. The request for review the October 27, 2025 order will therefore be denied.

It is ordered that:

1. The request to review order LTB-L-068452-25 issued on October 27, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on November 26, 2025 is cancelled.

January 5, 2026
Date Issued

Susan Priest
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.