



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

Citation: Howard v Fortier, 2026 ONLTB 2273

Date: 2026-01-05

File Number: LTB-L-056385-25-RV

In the matter of: 2, 471 Main St
HAILEYBURY ON P0J1K0

Between: Richard Howard Landlord

And

Lena Fortier Tenant
Raymond Doupe

Review Order

Richard Howard (the 'Landlord') applied for an order to terminate the tenancy and evict Lena Fortier and Raymond Doupe (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent
- the Tenant did not pay the rent that the Tenant owes

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-056385-25 issued on October 8, 2025.

On October 30, 2025, the Tenant, Lena Fortier, requested a review of the order.

On October 30, 2025, interim order LTB-L-056385-25-RV-IN was issued, staying the order issued on October 8, 2025

The Tenant's request to review was heard by videoconference on November 26, 2025. The Tenant, Lena Fortier, attended the hearing. The Landlord was represented at the hearing by Barrett Beaudoin.

Determinations:

1. The order issued October 8, 2025 terminated the tenancy October 19, 2025. The Tenant, LF, seeks to review the order.

2. A request to review may only be granted where the Board is satisfied there is a serious error in the order or the proceeding, or where a party was not reasonably able to participate in the proceeding.
3. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings that the Tenant was not reasonably able to participate in the proceeding.
4. In support of this position, LF relies on a medical note (DOC-6778698) confirming she was required to provide personal support to her father surrounding his recent serious medical diagnosis.
5. In *Wang v. Oloo*, 2023 ONSC 1028 (Div. Ct.), the Divisional Court affirmed that even where a party provides a medical note to support a claim they could not participate in a proceeding, the note must contain sufficient detail to allow the Board to determine whether the party was actually unable to participate.
6. I find the principle enunciated in *Wang v. Oloo* – the need to provide sufficient information to determine an adjournment request – also applies to review requests where a party submits they were not reasonably able to participate in the Board proceeding, pursuant to section 209(2) of the *Residential Tenancies Act, 2006*. (the ‘Act’) The requirement to give sufficient information is also consistent with Rule 26.8 of the Board’s Rules of Procedure.
7. In the present case, the medical note is insufficient to demonstrate LF was unable to attend the hearing. The note, dated November 4, 2025, does not describe how her father’s condition affected LF’s ability to participate on August 25, 2025, nor does it confirm that she was required to accompany him to a medical appointment on the date of the hearing.
8. It is significant that the other attended the hearing and was able to make submissions. The other Tenant could request an adjournment at the start of that hearing. There is no evidence such a request was made
9. Following the Court’s reasons in *Wang v. Oloo*, without reliable information about LF’s father’s medical condition and the impact that condition has, I find that the Tenant has not established that LF was not reasonably able to participate in the August 25, 2025, hearing.
10. LF further submits that the previous Member erred by not considering that a young child resides in the rental unit, thereby failing to apply section 83(2) of the Act.
11. The existence of a child in the rental unit is information that was clearly within the Tenant’s knowledge that attended the hearing. and could have been brought to the Member’s attention at the initial hearing
12. I find the LF was unhappy with the submissions made by the other Tenant at the hearing and is attempting to use her nonattendance at the hearing to litigate already decided issues. That is not the purpose of the review process. A request to review is not an opportunity to re-argue the case, raise new legal issues, or introduce evidence that could reasonably have been presented at the initial hearing. Accordingly, the Tenant’s request to review is denied.

It is ordered that:

1. The request to review order LTB-L-056385-25 issued on October 8, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on October 30, 2025 is cancelled. The stay of order LTB-L-056385-25 is lifted immediately.

January 5, 2026

Date Issued

Bryan Delorenzi

Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.