



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

File Number: LTB-L-093642-24-RV

In the matter of: 17 MONRO ST
ST CATHARINES ON L2N2B4

Between: ABDUL RAJI Landlord

And

ANKEET PANKAJ PATEL Former Tenant

Review Order

ABDUL RAJI (the 'Landlord') applied for an order requiring ANKEET PANKAJ PATEL (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenant's conduct or that of another occupant of the rental unit or someone the Former Tenant permitted in the residential complex. This conduct substantially interfered with the Landlord's reasonable enjoyment of the residential complex or another lawful right, privilege or interest.

ABDUL RAJI (the 'Landlord') applied for an order requiring ANKEET PANKAJ PATEL (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that the Landlord incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenant, another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

This application was resolved by order LTB-L-093642-24 issued on November 10, 2025.

On November 12, 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 13, 2025 interim order LTB-L-093642-24-RV-IN was issued, staying the order issued on November 10, 2025.

This application was heard by videoconference on December 23, 2025.

The Landlord, Abdul Raji and the Former Tenant, Ankeet Pankaj Patel attended the hearing.

Determinations:

1. The Former Tenant alleged in their request to review that they were not reasonably able to participate in the hearing on October 6, 2025, and therefore requested a review of the order issued on November 10, 2025.

2. The Former Tenant testified that he was aware about the hearing date however on the date of the hearing, his wife was experiencing severe abdominal pain and therefore he had to take her to the Emergency Room. He testified that because he took her to the hospital, he was unable to log into the hearing. The Former Tenant stated that he left his house around 8:45am and left the hospital around 10:30am. He stated that he found out that there was an order issued against him when he received it via email from the Board. The Former Tenant stated that he intended to attend the hearing and was preparing for it all weekend.
3. Upon cross examination, the Former Tenant stated that after he left the hospital he went home and left to work around 2:00pm for a shift that started at 2:30pm. He was unaware that this was a full day hearing and thought that it ended. The Former Tenant testified that they did not go into the hospital and see a doctor, as the pain his wife was experiencing went away, however he was unable to connect to the hearing as he did not have a private space to call in. He stated he missed the hearing due to his wife not feeling well, not due to him having to work as his manager gave him time off for the hearing.
4. The Landlord requested that the Board deny the Former Tenant request to review as the evidence he is providing is not credible, and believes that the Former Tenant intended to not participate in the proceedings. He stated that the Former Tenant could have contacted him after he got back from the hospital but chose not to. The Former Tenant did not provide any proof of the medical emergency, and it is his position that he did not attend the hearing because he did not want to miss work, and chose to go into work rather than contacting him or the Board to advise of the medical emergency on the day of the hearing.

Analysis

5. On the basis of the evidence and submissions before me, I am not satisfied on a balance of probabilities, that the Former Tenant was not reasonably able to participate in the hearing on October 6, 2025.
6. Indeed, the Former Tenant was aware of the hearing date and stated that they intended to proceed. I heard the Former Tenant's testimony that his wife had a medical emergency on the day of the hearing and that is why they were unable to attend, however the Former Tenant did not submit medical notes for the Board to consider, nor did they provide an adequate description of their diagnosis, or clarify the effect of any such a diagnosis on their ability to participate in the hearing, in the opinion of the medical professional (by analogy see *Wang v. Oloo*, 2023 ONSC 1028).
7. I am satisfied that the Former Tenant knew about the proceeding on October 6, 2025 and therefore find that it is more likely than not that the Former Tenant did not participate in the proceedings as a result of their own negligence. I heard the Former Tenant's testimony that they did not contact the Landlord or call the Board on the day of the hearing as they thought they had already missed it, however lack of due diligence to legal proceedings does not entitle a party to a new hearing.
8. In *Q Res IV Operating CP Inc. v. Berezovska* 2017 ONSC 5541, the Court states the following:

Lack of diligence in dealing with court proceedings is a reason for refusing to set aside an order where a party has failed to appear. In other words, it was not an error in law for the Review Board to find that lack of diligence constituted a reason not to grant the landlord a rehearing. If 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. [Emphasis Added]

9. For the reasons outlined above, the request to review is denied. I find that the Former Tenant was reasonably able to participate in the hearing.

Lifting of the stay

10. Although the review to request is denied, the Board has jurisdiction to delay the lifting of the stay if it finds that it would not be unfair to do so. I would note that the time/period to lift a stay is discretionary. The Divisional Court affirmed at paragraph 27 in *So v. Canadian Mental Health Association, Toronto Branch, 2024 ONSC 3371 (Div. Ct.)* that the discretionary power to deny or delay an eviction pursuant to section 83(1) of the Act does not have a second, independent applicability at the review stage of the Board's process. The Former Tenant did not offer sufficient evidence to warrant a delay in lifting of the stay on the order. As such, I find that it would be unfair to delay the lifting of the stay as it will likely result in financial prejudice to the Landlord.

It is ordered that:

1. The request to review order LTB-L-093642-24 issued on November 10, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on November 13, 2025 is cancelled. The stay of order LTB-L-093642-24 is lifted immediately.

January 7, 2026
Date Issued

Nathalia Debski
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.