



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

Citation: Adatia v Theodore, 2026 ONLTB 2373

Date: 2026-01-06

File Number: LTB-L-052564-25-RV

In the matter of: 182 ANNAPOLIS CIR
OTTAWA ON K1V1Z1

Between: Muhamad Adatia Landlords
Noorali Adatia

And

Anwar Theodore Tenants
Michaela Goodenough

Review Order

Muhamad Adatia and Noorali Adatia (the 'Landlords') applied for an order to terminate the tenancy and evict Anwar Theodore and Michaela Goodenough (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-052564-25 issued on September 9, 2025 and based on a hearing that took place on September 3, 2025 where only the Landlords attended.

On October 14, 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 15, 2025 interim order LTB-L-052564-25-RV-IN was issued, staying the order issued on September 9, 2025. The Tenant alleges that they were not reasonably able to participate in the hearing because they were arrested on the hearing date.

This review was heard by videoconference on November 24, 2025.

Both Landlords, their legal representative, Khalid Elgazzar, and the Tenant, Anwar Theodore, attended the hearing.

Determinations:

Adjournment Request

1. At the onset of the hearing, the Tenant sought to have the review hearing adjourned so that they could have additional time to prepare evidence. When asked what evidence they

needed to prepare, they admitted it was with respect to issues they intended to raise pursuant section 82(1) of the *Residential Tenancies Act, 2006* (the 'Act').

2. The Landlord was opposed to the adjournment on the basis that they were experiencing financial hardship due to the ongoing issue of non-payment of rent and submitted that the rent arrears were quickly approaching the Boards monetary jurisdiction.
3. Considering there were other matters on review in the scheduled hearing block, I denied the Tenant's request to adjourn the hearing on the basis that I would only have enough time to consider the review request. That if the review was granted, then the Tenant would have the opportunity to gather their evidence if the hearing was granted de novo on another date if they so intended to raise them.

Review Request – Was the Tenant reasonably able to participate?

4. On the basis of the submissions made in the request and the evidence submitted at the hearing, I am unable to find that the Tenant was not reasonably able to participate in the September 3, 2025 hearing.
5. In the Tenant's review request they submit that they had no knowledge of the September 3, 2025 hearing because they did not receive the Notice of Hearing that was mailed by the Board on June 30, 2025 to the rental unit address. They also submit that they were not served any eviction notice. That because of the Landlord intercepting their mail, they were unable to attend the hearing having no knowledge of it. They only discovered a hearing had taken place when they logged into the Tribunals Ontario Portal (TOP). They further submit that they were not able to attend the hearing because they were incarcerated on the hearing date. These statements are contradictory on the basis they state they had no knowledge of the hearing, but that they missed the hearing because they were incarcerated.
6. The Tenant testified that they were arrested on the morning of the hearing for having an open bottle of alcohol in their car at approximately 9:00am. They confirmed they received notice of the hearing by email, but it was only shortly before the scheduled hearing. The Tenant further submitted that they did not receive notice of the September 3rd hearing by mail and accused the Landlord of accessing their mailbox to intercept it as the reason they didn't get it.
7. The Tenant then submitted that there is an error in the order because it does not specify a unit number and there are other rooms in the house that are separate from theirs.
8. The Landlord submits that the rental unit is a single unit and therefore the address is correctly identified. The Tenant then admitted that the rental unit address is correctly identified.
9. The Tenant submits that on the morning of September 3, 2025 they were planning on going out for breakfast with an acquaintance of theirs named "Beachwood Dan". They could not recall their last name, but this person was familiar to them from a previous interaction. That shortly after they started to drive away from the house, police pulled them over and found open alcohol in the cup holder. That because of this, both himself and "Beachwood Dan" were incarcerated and later released the same day. The Tenant could

not recall the exact time, however, they recalled that their acquaintance was picking them up at approximately 9:00am to take them for breakfast.

10. Under cross examination the Tenant was elusive on the time that “Beachwood Dan” came to pick them up and the time they were incarcerated. The Tenant also admitted that they received the Notice of Hearing by at least early August of 2025 in the mail and they were aware that there would be a hearing taking place at 9:00am on September 3rd and that the hearing notice required them to sign into the hearing by 8:30am.
11. It is important to note that this is not the first time the parties had been before the Board. The Landlord had a previous L1 application under LTB-L-004015-25 that was withdrawn at the hearing on April 14, 2025 due to defect in the N4 Notice. The Tenants and the Landlord and their representative were all present for that hearing. On this basis, I do not accept that the Tenant would not be aware of the requirement to sign in early for the hearing or to sign in for the hearing even at the scheduled time in the Notice of Hearing as it is clearly written on the instructions of the hearing notice.
12. While I do accept that the Tenant was incarcerated on the September 3rd hearing date, I am not satisfied they were not reasonably able to participate in the hearing. The Tenant’s evidence supports a finding that they were aware of the hearing and instead decided to go for breakfast at the time of the hearing with “Beachwood Dan” and they chose to do this rather than attending the scheduled hearing at 9:00am.
13. A review is not a second opportunity to submit evidence that ought to have been given at the original hearing had the Tenant attended as they were required to do.
14. For these reasons, the Tenant’s request to review the order is denied.
15. I also do not find it appropriate to give the Tenant any additional time before the stay is lifted as I find that the Tenant provided false information to the Board in order to obtain a review hearing and stay the eviction order for arrears. This has already caused significant prejudice to the Landlord.

It is ordered that:

1. The request to review order LTB-L-052564-25 issued on September 9, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on October 15, 2025 is cancelled. The stay of order LTB-L-052564-25 is lifted immediately.

January 6, 2026

Date Issued

Terri van Huisstede

Member, Landlord and Tenant Board

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