



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

Citation: Hassan v Cuddy, 2026 ONLTB 523

Date: 2026-01-08

File Number: LTB-L-046958-25-RV

In the matter of: Basement Apartment, 1202 Sun Valley Court
Oshawa ON L1J3N2

Between: Imran Abdulkader Hassan Landlords
Veena Subramanian

And

Thomas Lawrence Cuddy Tenant

Review Order

Imran Abdulkader Hassan and Veena Subramanian (the 'Landlords') applied for an order to terminate the tenancy and evict Thomas Lawrence Cuddy (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-046958-25 issued on September 18, 2025.

On December 2, 2025, the Tenant requested a review of the order.

On December 3, 2025, interim order LTB-L-046958-25-RV-IN was issued, staying the order issued on September 18, 2025.

This application was heard by videoconference on December 17, 2025.

The Landlords and the Tenant attended the hearing.

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that the Tenant was unable to reasonably able to participate in the original proceeding.
2. The Tenant claims that he was never notified of the hearing date for the original L1 rent arrears application which the LTB had scheduled for August 20, 2025.
3. He submits that he never received a copy of the notice of hearing by mail, by email, or through the Tribunals Ontario Portal and, therefore, he had no knowledge that a hearing had been scheduled. That was the reason he did not attend.
4. He testified that on August 19, 2025, he attended an adjudicative case conference for his T6 application (LTB-T-015569-25) and he also joined a videoconference hearing for another application - both scheduled for the same day.

5. The second application the LTB heard that day was the Tenant's request to review order LTB-L-012844-25. The original L1 final order issued on July 3, 2025 after a hearing of the Landlords' L1 application on May 14, 2025.
6. A examination of the LTB records show that on June 10, 2025, the LTB emailed a copy of the Notice of Hearing for this application to the Tenant, informing him that the hearing would proceed on August 20, 2025. The email did not bounce back as "undeliverable".
7. The record confirms that the LTB mailed a copy of the same Notice of Hearing to the Tenant at the rental unit address the next day and that the mail was not returned to the LTB by Canada Post as "undeliverable".
8. The Tenant is not claiming that he did not receive a copy of the LTB final order issued in this matter after the August 20, 2025 hearing, which the LTB emailed to the Tenant on September 18, 2025.
9. This was the same email address to which the LTB had previously and effectively emailed and mailed documents to the Tenant with respect to the three separate matters proceeding independently before the Board (L1, L2 and T6).
10. The Tenant confirmed that the email address on record is correct.
11. The Landlords submit that the Tenant brings this review merely in an attempt to prolong the tenancy while living in the rental unit for free. They contend that, to date, the Tenant has made no payments towards his rent or utilities usage.
12. The Landlords assert the following.
13. They emailed the N4 notice of termination which is the subject of this L1 application to the Tenant on May 21, 2025. The email did not bounce back.
14. On August 11, 2025, they emailed their L1/L9 Update form to the Tenant in advance of the hearing scheduled on August 20, 2025, as required. The heading of the email clearly sets out the file number, the document name, the hearing date of August 20, 2025 and the start time. The email did not bounce back.
15. At the hearing of the review application on August 19, 2025, they specifically informed the hearing Member that there was a subsequently filed L1 application that was scheduled to be heard the next day. The Tenant was present and heard the Landlords' submissions.
16. They also refer to the fact that the only hearing the Tenant did not attend of the four applications filed was the hearing of this L1 application held on August 20, 2025. In their view, this was the only application in which a termination of the tenancy would be the likely outcome. This demonstrates the Tenant's ulterior motive, which is to delay the LTB process and to evade the inevitable result.

Analysis

17. The Tenant does not dispute that he has successfully received emails from the LTB and from the Landlords.
18. He was unable to satisfactorily explain why he would not have received the Notice of Hearing emailed to him by the LTB for the original hearing of this application which was

scheduled for August 20, 2025. He gave no reason as to why he might not have received a copy of the same Notice of Hearing that the LTB had mailed to him.

19. He failed to adequately challenge the Landlords' evidence that they reminded him of the upcoming hearing date and time when they emailed him the L1/L9 Update form on August 11, 2025 – just 9 days before the hearing.
20. Other than stating that he did not hear the Landlords tell the hearing Member on August 19, 2025 that the parties had a hearing scheduled the next day, the Tenant was unable to negate the Landlords' evidence, such as by producing copies of the audio recordings of the hearing.
21. The preponderance of evidence supports the conclusion that the Tenant was reasonably able to participate in the hearing held on August 20, 2025 but he chose not to attend.
22. In my view, this demonstrates a lack of due diligence on the part of the Tenant.
23. The Divisional Court in *Q Res IV Operating GP Inc. v. Berezovs'ka*, [2017 ONSC 5541](#) CanLII (Div. Ct.) held, at para. 8:

“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.”
24. Alternatively, it is quite plausible that the Tenant's conduct exemplifies a deliberate decision to avoid the hearing so as to delay the outcome.
25. Based on the above, the Tenant is not entitled to have the Landlord's application re- heard because he either failed to exercise due diligence or because he chose not to attend.
26. Therefore, the request to review based on the Tenant's claim that he was not reasonably able to participate in the hearing is denied.

It is ordered that:

1. The request to review order LTB-L-046958-25 issued on is denied. The order is confirmed and remains unchanged.
2. The interim order issued on is cancelled. The stay of order LTB-L-046958-25 is lifted on January 19, 2026.

January 8, 2026
Date Issued

Elle Venhola
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.