



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-070851-25

In the matter of: 62 INGLESIDE ST
WOODBIDGE ON L4L0H9

Between: Christopher Andrew East Tenant

And

Elango Nagarajah Landlord

Christopher Andrew East (the 'Tenant') applied for an order determining that Elango Nagarajah (the 'Landlord'):

- altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenant replacement keys.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.

This application was heard by videoconference on September 12, 2025, and November 14, 2025.

On September 12, the Landlord's Representative, Kim Teel, the Landlord and the Tenant attended the hearing.

On November 14, 2025, only the Landlord's Representative, Kim Teel, and the Landlord attended the hearing.

As of 9:46am, on November 14, 2025, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing.

Determinations:

1. As of 9:46am, the Tenant was not present to proceed with presenting their evidence, or to participate in cross-examination of their testimony.
2. Since the Tenant was not present to proceed with their application, I found that the Tenant had abandoned their application. Since the evidence already presented by the Tenant could not be properly tested by the Landlord, I found it procedurally unfair to proceed. Therefore, the application was dismissed.

3. After the attending parties had been dismissed, the Tenant attended the hearing room at 9:56am.
4. The Tenant stated that he was unable to attend due to his work schedule. The Tenant acknowledged knowing that the hearing started at 9am.
5. Although aware that I have the discretion to reconvene this matter, I am not satisfied that it would be fair under the circumstances.
6. The right to be reasonably able to participate in a proceeding must be interpreted broadly because it is a matter of natural justice: *King-Winton v. Doverhold Investments Ltd.*, [2008 CanLII 60708](#) (ONSC Div. Ct.); *Ali v. Capreit*, [2025 ONSC 103 \(CanLII\)](#), para [14](#).
7. In *Ali v. Capreit*, *supra*, the Court commented on the “generous” interpretation of the right to be reasonably able to participate in a proceeding, articulated in *King-Winton v. Doverhold*, *supra*, and followed in a number of subsequent cases: “Given the inherent vulnerability of residential tenants and the purpose of the *RTA* (see s. 1), this generous interpretation makes sense”: *Ali v. Capreit*, [2025 ONSC 103 \(CanLII\)](#), para [14](#).
8. However, the Tenant admitted to being aware of the hearing, and yet chose to work despite the knowledge of the hearing date and time (9am).
9. The Divisional Court has stated in *Q Res IV Operating GP Inc. v. Berezovs'ka* 2017 ONSC 5541:

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.

10. In interpreting Mr. East’s vulnerability, it was clear, based on the last hearing, that he had possession of the rental unit. The Landlord’s Representative confirmed at the hearing on November 14, 2025, that the Tenant still had possession of the rental unit.
11. It was a failure in the Tenant’s diligence that caused the Tenant to miss the hearing, not a circumstance of any personal or financial vulnerability or interference by the Landlord.
12. For this reason, I do not find it reasonable to reconvene this matter, and my oral decision to dismiss this application stands.

It is ordered that:

1. The Tenant’s application is dismissed.

January 12, 2026
Date Issued

Robert Brown
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.