



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

Citation: CAPREIT Limited Partnership v Ahluwalia, 2026 ONLTB 3469

Date: 2026-01-08

File Number: LTB-L-077392-25-RV

In the matter of: 205, 1440 TYANDAGA PARK DR
BURLINGTON ON L7P3H2

Between: CAPREIT Limited Partnership

Landlord

And

Karan Ahluwalia
Vipla Ahluwalia

Tenant

Review Order

CAPREIT Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Karan Ahluwalia and Vipla Ahluwalia (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

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-077392-25 issued on December 22, 2025.

On January 6, 2026, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Landlord's application was dismissed as abandoned because the Landlord did not attend the hearing. On the basis of the submissions made in the request, I am not satisfied that the Landlord was not reasonably able to participate in the proceeding.
2. The Board's records reflect the notice of hearing was emailed to the Landlord on September 20, 2025 (DOC-6441723). The contact information used matches what was provided in the Landlord's application. The Landlord does not allege that they did not receive the notice of hearing but rather says the following:

3. I am not satisfied that the Landlord's representative's actions are consistent with the requirement to practice due diligence. In *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 the Divisional Court stated:

“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.”

4. In *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708, the Divisional Court found that a tenant's confusion over a hearing date could support a finding that they were not reasonably able to participate in the proceeding. However, in that case there was a reasonable explanation for the tenant's confusion. The Board's records contained confusing notations about when the hearing was to occur. In this case there is no similar reasonable explanation for the confusion. Deleting an email from the Board because many emails are received is not a reasonable explanation for deleting the email nor is it consistent with the requirement to practice due diligence.

It is ordered that:

1. The request to review order LTB-L-077392-25 issued on December 22, 2025 is denied. The order is confirmed and remains unchanged.

January 8, 2026
Date Issued

Amanda Kovats
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.