



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

Citation: DUFFETT v NORCREEK CORP.(103901641), 2026 ONLTB 3935

Date: 2026-01-08

File Number: LTB-T-055093-25-RV

In the matter of: 103, 41 NORWICH ST E
GUELPH ON N1H8E2

Between: CHAD DUFFETT

JAN 08, 2026

Tenant

And

NORCREEK CORP.(103901641)

Landlord

Review Order

CHAD DUFFETT (the 'Tenant') applied for an order determining that NORCREEK CORP.(103901641) (the 'Landlord') :

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was resolved by order LTB-T-055093-25 issued on January 6, 2026.

On January 7, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file.

Determinations:

1. This review request is made on the ground of being not reasonably able to participate in the proceedings.
2. The hearing that gave rise to the order under review was an Adjudicative Case Conference. It took place on November 20, 2025. The Tenant did not attend and no one attended on behalf of the Tenant.
3. The order dismisses the Tenant's application and requires the Tenant to pay \$200.00 in costs to the Landlord. The day before the hearing the Tenant served on the Landlord and filed with the LTB a request to withdraw the application because the principal of the corporate Landlord had passed away and as a result the Tenant was no longer

interested in pursuing the application. Costs were ordered because the Tenant did not attend the hearing and the Tenant had notified the Landlord of their request to withdraw at the last minute, causing the Landlord to incur an unnecessary expense.

4. The Tenant submits that they were not reasonably able to participate in the hearing due to a “medically documented cognitive crisis and an ongoing workplace discrimination investigation.” The Tenant submits that they were not able to notify the Landlord of their intention to withdraw the application earlier “due to the very nature of the Tenant’s cognitive impairment and diminished executive function.” The Tenant submits that the conduct that was found to be unreasonable was a direct result of a disability.
5. The Tenant has filed a Functional Abilities Form which identifies itself as being for use in determining work restrictions/accommodations. The form was completed on November 24, 2025 and indicates that the date of onset of the Tenant’s condition is November 17, 2025. In the section of the form asking if the Tenant has any cognitive or mental limitations that may impact their job performance, there is the following information: “Concentration, memory, problem solving, decision making, social interactions are impacted if work longer than 6 hours/day. Up to 16-24 hours/week suggested.”
6. The Functional Abilities Form does not state how the stated limitations affected the Tenant’s ability to attend a videoconference hearing. It appears that if the hearing was no longer than six hours long the Tenant would have been able to participate. This form does not support that the Tenant was not reasonably able to attend the hearing.
7. The Tenant has not explained how their involvement in a workplace discrimination investigation affected their ability to attend the hearing. The Tenant has filed a document showing that the result of the investigation was that the Tenant’s allegation was substantiated. This document does not contain any information about how the investigation affected the Tenant’s ability to attend the hearing.
8. Further, I note that the Tenant did not mention any disability-related reason for not attending the hearing in their request to withdraw the application or in their communication notifying the Landlord about their request to withdraw.
9. The Tenant submits that the Member seriously erred by failing to consider a post-hearing submission that the Tenant filed with the LTB on January 4, 2026. The file shows that the Member posted the order on December 30, 2025 for issuance on January 6, 2026. After the Member posted the order the Member was not required to check the file for unsolicited post-hearing submissions. I am therefore not satisfied that the Member erred by not considering the Tenant’s unsolicited post hearing submission.
10. The Tenant has not adequately explained why they waited until the day before the hearing to notify the Landlord of their intention to withdraw. The Functional Abilities Form indicates the Tenant’s disabling conditions started on November 17, 2025. The Tenant learned on September 22, 2025, from an email sent by the Landlord’s representative, that the principal of the corporate Landlord had passed away in July 2025. The document

filed by the Tenant does not support that the Tenant could not notify the Landlord about their intention to withdraw the application until the day before the hearing.

11. I should note that the Member incorrectly states in the order that to withdraw the application the Tenant must attend the hearing. There is no such requirement. A party may seek to withdraw an application any time before the hearing. However, this error is immaterial. It was reasonable to find the Tenant's conduct to be unreasonable and it was reasonable to order the Tenant to pay costs to the Landlord. The reason the Tenant wished to withdraw was that the principal of the corporate Landlord had died. The Tenant was aware of this person's death by at least September 22, 2025 but waited until the day before the hearing to notify the Landlord of his intention to withdraw. This was unreasonable and is sufficient support for the order to pay costs.
12. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings or that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-T-055093-25 issued on January 6, 2026 is denied. The order is confirmed and remains unchanged.

January 8, 2026
Date Issued

Renée Lang
Vice Chair, 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.