



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

File Number: LTB-L-080569-23-RV

In the matter of: 217, 1 JACKSWAY CRES
LONDON ON N5X3T5

Between: Wendy Dougdeen Landlords
Estate of Margaret Dougdeen

And

Christina Stuart Tenant

Review Order

Wendy Dougdeen and Estate of Margaret Dougdeen (the 'Landlords') applied for an order to terminate the tenancy and evict Christina Stuart (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-080569-23 issued on November 27, 2025.

On January 9, 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 as well as the audio recording for this hearing.

Determinations:

Request to Extend Time

1. On January 9, 2026, the Tenant submitted a request to extend time to request a review of order LTB-L-080569-23, issued on November 27, 2025. The reasons for the request to extend time do, in my view, provide a reasonable explanation as to why the request for review was not filed within the time permitted. As such, the request to extend time to request a review is granted.

The Review Request

2. Based on the submissions made in the request, I am not satisfied the Tenant was not reasonably able to participate in the October 27, 2025 Board proceeding or that the order contains a serious error or that a serious error occurred in the proceeding.

Not Reasonably Able to Participate

3. At the hearing, the Tenant's Legal Representative requested an adjournment because the Tenant was attending family wedding events. The hearing recording shows the Vice Chair took submissions from the parties and considered Rule 21 of the Board's Rules of Procedure. For example, the Vice Chair considered that the matter had been previously adjourned on February 11, 2025 due to insufficient time to hear the matter. The Vice Chair noted the Tenant did not notify the Board of any dates that they were unavailable, including the October 27, 2025 adjourned hearing date. The Vice Chair also considered submissions respecting prejudice to the Landlords. The adjournment request was denied and the hearing proceeded.
4. The decision to deny an adjournment request is a discretionary one. The recording shows the Vice Chair did consider relevant factors alongside Rule 21 when determining that the circumstances did not warrant an adjournment. The denial of the adjournment request was therefore not unreasonable.
5. The Tenant's Legal Representative participated in the hearing by cross examining the Landlord and calling witnesses. Later in the hearing, the Tenant attended the virtual hearing and testified. The review request asserts the Tenant, during her participation in the hearing, was in a car with other people and this prevented her from providing testimony in a clear, private and effective manner.
6. The hearing recording shows the Tenant did state she was in a car and had pulled over to participate in the hearing. She did not state the presence of others were impacting her ability to testify. The Tenant advised the Board she did not have her documents with her and that she was nervous. The Tenant's choice to not initially attend the hearing in the hopes of obtaining an adjournment and then choosing to participate from a location she did not find ideal does not amount to good cause for review and it does not show the Tenant was not reasonably able to participate.
7. The hearing recording confirms the Tenant and her Legal Representative were aware of the issues to be determined in the Landlords' application and exercised the right to address those issues by asking questions, calling witnesses and providing testimony. For these reasons, I find no basis to conclude the Tenant was not reasonably able to participate in the October 27, 2025 proceeding and this ground for review is denied.

Serious Error

8. The Tenant submits the order contains a serious error of fact and mischaracterizes the Tenant's evidence because paragraph 7 of the order finds no prejudice to the Tenant because she was aware the Landlord Margaret Dougdeen had passed away and that Wendy Dougdeen was the estate trustee for the property. The Tenant asserts this finding impacted the Tenant's credibility and the weight her testimony was given.
9. Paragraph 7 does find no prejudice to the Tenant, however this determination was made in relation to an analysis under section 212(2) of the Act with respect to whether the N4 notice substantially complies with the requirements of the Act by failing to include the estate of Margaret Dougdeen on the N4. The consideration on prejudice with this issue

involves whether the Tenant's ability to participate in the hearing was substantially prejudiced.

10. The hearing recording shows the Tenant was made aware of the estate's involvement and that Wendy Dougdeen was the estate trustee by at least November 2024, almost one year before the October 27, 2025 hearing took place. In the absence of evidence the Tenant's ability to participate in the hearing was significantly prejudiced by the N4 naming only Wendy Dougdeen, the Vice Chair was entitled to find no prejudice to the Tenant with respect to the N4 notice not including the estate of Margaret Dougdeen as a Landlord.
11. The order makes no finding the Tenant was aware of the estate's and Wendy Dougdeen's involvement in the tenancy any earlier. In fact, paragraph 8 of the order acknowledges there may have been miscommunication between the time the Property Management's services were terminated by the Landlords and when the estate's Lawyer contacted the Tenant by November 2024. The order correctly states that despite this, the Tenant's obligation to pay rent continues.
12. While the Tenant asserts this amounts to prejudice to them since they did not know who to pay rent to while the arrears accumulated, this is not the sort of prejudice the Vice Chair was concerned with when making the findings he did in paragraph 7 of the order. As stated, these findings in paragraph 7 relate to the sufficiency of the N4 notice and the consideration required under section 212(2) of the Act.
13. The Tenant's review request fuses this prejudice analysis with the Tenant's testimony about knowledge of who the Landlord was at a time that was not relevant to the Vice Chair's determination of a lack of the prejudice contemplated in section 212(2) of the Act. The order does not show the Vice Chair's finding in paragraph 7 of the order with respect to a lack of prejudice had any impact of the determination the Tenant was not credible.
14. I am not satisfied the finding of a lack of prejudice impacted how the Vice Chair assessed the Tenant's credibility or the weight her evidence was given. While the order does show the Vice Chair did not find the Tenant credible and gave her testimony no weight, paragraphs 19 and 20 of the order under review provide several reasons for reaching this conclusion.
15. For example, the Tenant provided no bank records or withdrawal slips to support her claim that she made three cash rent payments in May, June and July of 2023 to Nigel Dougdeen that went unaccounted for. The Vice Chair rejected the Tenant's testimony that Nigel Dougdeen randomly attended the property when she happened to be present with large sums of cash on hand to pay him. The order finds this evidence "far fetched" and the Vice Chair clearly does not find the Tenant's testimony plausible.
16. The order also shows the Vice Chair sceptical of the Tenant's testimony respecting these cash payments, noting the large sums allegedly paid and the lack of any receipts or any other corroborating evidence showing these payments were made. The order also finds

no explanation for why payments did not continue but does again acknowledge the Tenant's assertion that she was uncertain going forward as to who the Landlord was.

17. In my view, the order sets out multiple reasons explaining why the Vice Chair did not find the Tenant's testimony on payments credible. Even if the Vice Chair did misapprehend the Tenant's testimony on when they became aware of the estate's involvement and that of Wendy Dougdeen, and I do not find he did, I am not convinced it would have changed the Vice Chair's assessment of the Tenant's testimony since the order sets out multiple reasons explaining why he did not find the Tenant credible.
18. In addition, Nigel Dougdeen testified at the hearing and the order shows Mr. Dougdeen's testimony was he never attended the property to collect rent and has never been paid rent by the Tenant. Since the Vice Chair did not find the Tenant credible and since the Vice Chair had competing evidence contradicting the Tenant's testimony, it was reasonable to reject the Tenant's evidence. Reasonable findings, supported by reasons will not be interfered with on review. Accordingly, this ground for review is denied.
19. The Tenant submits paragraph 16 of the order incorrectly finds that the Tenant's witness Scott Stuart testified that no payments were made to Nigel Dougdeen despite testimony from him and the Tenant that cash payments were in fact made to Mr. Dougdeen.
20. This is not what this paragraph says. Paragraph 16 of the order actually finds Mr. Stuart stated he had not made any payments to Mr. Dougdeen and that he was not present at the property when Mr. Dougdeen was there. The Vice Chair gave Mr. Stuart's testimony no weight. The hearing recording shows the order correctly reflects Mr. Stuart's testimony that he had made no payments to Mr. Dougdeen. As such, this finding is not in error.
21. The Tenant submits they were not permitted to call witnesses from the former Property Management company that could have corroborated the cash payments the Tenant claimed she made. The hearing recording and the order shows at paragraph 21 the Vice Chair determined the witnesses did not have relevant evidence to provide and therefore found their testimony unnecessary.
22. The recording confirms the Vice Chair canvassed the relevancy of the witnesses' anticipated evidence with the Tenant's Legal Representative. It was not disputed these witnesses did not work for the Landlord at the time the Tenant claimed she made payments to Nigel Dougdeen.
23. The Tenant's Legal Representative submitted the witnesses could establish a pattern of cash payments made by the Tenant at earlier times in the tenancy when the Property Management company was involved. The hearing recording shows the Landlords conceded that the Tenant had made cash payments to the Property Management company when they were employed by the Landlord.
24. Since the anticipated evidence of the witnesses was conceded by the Landlords, the Vice Chair asked the Tenant's Legal Representative if the witnesses could provide evidence respecting payments made to Nigel Dougdeen. The Tenant's Legal

Representative stated she did not believe so but that she did not know. The Vice Chair asked the Tenant's Legal Representative what it is the Tenant sought to establish through these witnesses and the response reiterated the purpose was to establish that the Tenant had used cash as a method of payment when the Property Management company was involved.

25. The Tenant's Legal Representative then acknowledged the Landlords' concession that the Tenant had made cash payments in the past before stating she agrees there would be little relevancy in their testimony and that the hearing can proceed without calling these witnesses.
26. In my view, it was not an error for the Vice Chair to determine these witnesses did not have relevant evidence to provide the Board respecting the alleged payments to Nigel Dougdeen. The Landlords conceded the anticipated evidence of the witnesses and the Tenant's Legal Representative stated herself that she agreed they were not necessary.
27. In *Sutton v. Patterson and Morrow*, 2021 ONSC 1403, the Divisional Court at paragraph 6 affirmed that a party who has a procedural fairness concern is obligated to make their objections known, not wait until the appeal to raise their fairness concerns. Here, the Tenant has waited until the review stage of the proceeding to essentially reverse themselves on a clear position they took at the hearing.
28. The Vice Chair was entitled to decline to hear irrelevant testimony and it was not an error to determine these witnesses were not necessary. Accordingly, I find no error in procedure occurred with respect to these witnesses not testifying at the hearing.
29. The Tenant submits the Landlord did not propose a reasonable payment plan under section 83(6) of the Act and the Board did not allow one, instead requiring the outstanding rent arrears be paid in one lump sum to void the eviction order. The Tenant submits this is unreasonable given the confusion with who was the Landlord during the time the rent arrears accumulated and the Tenant's willingness to make payments over time in addition to new rent.
30. The order does show the Vice Chair considered whether the Landlords attempted to negotiate a payment agreement with the Tenant. The hearing recording confirms the Landlords submitted they requested a proposal from the Tenant when the N4 notice was served. The Landlords also submitted they engaged in mediation with the Tenant on the previous hearing date but were unsuccessful. Section 83(6) of the Act does not require the Board to deny the application for eviction if the Landlords and the Tenant do not come to an agreement.
31. The hearing recording does not show the Tenant requested a conditional order or that a repayment proposal was put to the Vice Chair. The recording shows the Tenant reiterated they did not know who to pay the rent to at the time the arrears accumulated and that they wanted a determination of the arrears so that they can be paid. The Tenant stated they would pay the outstanding amount but made no submissions respecting the time they needed to make the payment or what they could reasonably afford on a

monthly basis if they were seeking a conditional order. The hearing recording shows the Vice Chair pointed out that the Tenant was aware who rent payments should be made to as of November 2024 yet payments towards the arrears had not been made.

32. Paragraphs 26 and 27 show the Vice Chair considered the Tenant's circumstances, including that the rental unit was not the primary residence of the Tenant, that a friend lives there and they use it for extra space for family and friends and that the Tenant was prepared to pay the amount outstanding.
33. Findings under section 83 of the Act are discretionary. The order and the hearing recording show the Vice Chair considered relevant factors when deciding whether to delay or deny eviction. The Vice Chair's findings fall within a reasonable range of outcomes and while another Member may have exercised their discretion differently, this does not amount to grounds for review. It was not an error on the part of the Vice Chair to not issue a conditional order when no conditions were proposed for consideration. It was also not an error, in the absence of a request for additional time, for the Vice Chair to grant the Landlords' application and issue a voidable eviction order in the standard 11-day period.
34. For all of these reasons, I am not satisfied the Tenant has shown they were not reasonably able to participate in the hearing or that a serious error exists in the order or that a serious error occurred in the proceedings. The Tenant's request for review is therefore denied.

It is ordered that:

1. The request to review order LTB-L-080569-23 issued on November 27, 2025 is denied. The order is confirmed and remains unchanged.

January 14, 2026
Date Issued

John Cashmore
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.

