



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

Citation: Chandra v Chaffee, 2026 ONLTB 7438

Date: 2026-01-21

File Number: LTB-L-091452-25-RV

In the matter of: 99 Page St
St Catharines ON L2R4A8

Between: Sid Chandra Landlord

And

Nichlaus Chaffee Tenant

Review Order

Sid Chandra (the 'Landlord') applied for an order to terminate the tenancy and evict Nichlaus Chaffee (the 'Tenant') because the Tenant failed to meet a condition specified in the mediated settlement signed by the parties on October 29, 2025 with respect to application LTB-L-066715-25-SA-RV.

The Landlord's application was resolved by order LTB-L-091452-25, issued on November 5, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-091452-25.

The Tenant's motion was resolved by order LTB-L-091452-25-SA issued on January 19, 2026.

On January 20, 2026, the Tenant requested a review of the motion order.

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

Determinations:

1. The Tenant's motion was dismissed as abandoned because they did not attend the motion hearing. The only submissions in the review request are the following:
2. On the basis of the submissions made in the request, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding.

3. While I am mindful that being reasonably able to participate must be interpreted broadly, I am not satisfied that the Tenant had a genuine intent to participate in the hearing process. I say this because the Tenant was aware of the hearing and made the active choice not to attend. While I sympathize with the decision faced by the Tenant between attending work and the hearing, it is not grounds for review.
4. My finding is consistent with the Board's approach in the following cases in which choosing to attend work rather than attending a hearing was found not to be grounds for review: *TEL-82989-17-RV (Re)*, 2017 CanLII 84863 (ON LTB), *TSL-75156-16-RV (Re)*, 2017 CanLII 28808 (ON LTB), and *TNL-56542-14-RV (Re)*, 2014 CanLII 57970 (ON LTB). Based on my experience with the Board I am also aware that requests to review based on a party choosing to attend work rather than the hearing are frequently denied at the preliminary review stage.
5. I note that in *TEL-87603-18-RV-IN2 (Re)*, 2018 CanLII 111773 (ON LTB) the Board found that a tenant who left a hearing because her workplace needed her to cover for an unexpectedly ill employee was not reasonably able to participate in the hearing. However, that case is distinguishable from the case before me because the Tenant in this case has provided no information about why they were called into work. I also note that *TEL-87603-18-RV-IN2 (Re)* is an outlier case.
6. In *So v. Canadian Mental Health Association, Toronto Branch*, 2024 ONSC 3371 (Div. Ct.) (CanLII), the Divisional Court affirmed that a person who requests a review of an order must give "sufficient information to support a preliminary finding of an alleged serious error or an explanation why the requestor was not reasonably able to participate in the hearing", per Rule 26.8 of the Board's Rules of Procedure. The review request does not contain sufficient details. It does not provide information about when exactly the Tenant was called into work and why they took no steps to adjourn the hearing.
7. It was not consistent with the Tenant's obligation to act diligently to take no steps to adjourn the hearing. As stated by the Court in *Q Res IV Operating CP Inc. v. Berezovs'ka* 2017 ONSC 5541 "[I]f 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".
8. The Divisional Court has repeatedly affirmed that parties to an application are required to follow the Board's process to reschedule or adjourn a hearing: *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807 (Div. Ct.) (CanLII); *Wang v. Oloo*, 2023 ONSC 1028 (Div. Ct.) (CanLII). If the Tenant was unable to attend the hearing, they were required to follow the Board's processes to adjourn it. The Tenant failed to do so.

It is ordered that:

1. The request to review order LTB-L-091452-25-SA issued on January 19, 2026 is denied.
The order is confirmed and remains unchanged.

January 21, 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.