



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

File Number: LTB-L-077252-25-RV

In the matter of: 111, 655 Holden St
Dresden ON N0P1M0

Between: Chatham-Kent Housing Services Landlord

And

Mary Fournier Tenant

Review Order

Chatham-Kent Housing Services (the 'Landlord') applied for an order to terminate the tenancy and evict Mary Fournier (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-077252-25 issued on December 1, 2025

On January 20, 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 listened to the audio recording for this hearing.

Determinations:

Request to Extend Time

1. On January 20, 2026, the Tenant filed a request to extend time to request a review of the December 1, 2025 Board order. The request to extend time provides a sufficient reason explaining why the review request was not submitted within the 30-day period permitted. As such, the Tenant's request to extend time to request a review is granted.

The Review Request

2. The review request is based on the grounds of not being reasonably able to participate in the Board proceedings that took place on November 26, 2025.
3. At the hearing, the parties participated in Board facilitated mediation and consented to the terms that are set out in the December 1, 2025 order. The parties consented to a voidable termination of the tenancy. The termination date agreed to by the parties is January 31, 2026.

4. The Tenant submits she was not experiencing medical and mental health issues that prevented her from being able to represent herself effectively at the hearing. She submits she was experiencing cognitive impairment and severe drowsiness caused by the cumulative side effects of prescribed medication. The Tenant states she was unable to maintain the required focus or mental capacity to represent herself. The Tenant submits that as a person with a disability, the combined factors mentioned in the request to review left her unable to engage in the Board's process or provide a defense.
5. The hearing recording and the order shows the parties agreed to the amount of the monthly rent, the amount of payments the Tenant made to the Landlord since the application was filed, the rent arrears owing to November 30, 2025, the absence of a rent deposit and the amounts required to void the eviction order based on when payment is made.
6. The hearing recording also confirms all of the terms contained in the order were read to the parties. The Tenant was specifically asked if she understood the terms as read and whether she agreed to them. The Tenant responded that she did. The Tenant makes no mention of any health circumstances or medical issues she was experiencing that impacted her ability to participate in the proceedings.
7. In *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807, the Divisional Court affirmed, at paragraph 11, that "it is incumbent on a party [who claims they were incapable of participating in the hearing] to raise the issue with the tribunal, or for there to be a basis on which the claim of incapability is grounded objectively in events at the hearing".
8. 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.
9. The hearing recording does not show any basis to conclude the Tenant was not reasonably able to participate in the hearing where she agreed to the terms in the December 1, 2025 order. There were no events during the recording that suggest the Tenant was unable to raise procedural fairness concerns or that she was incapable. The Tenant has not submitted any medical documentation showing her ability to participate in the November 26, 2025 Board proceeding was affected by any medical issues or other health circumstances. The Tenant has submitted no medical documentation showing she was incapable of agreeing to the terms in the order.
10. Here, the parties engaged the Board's mediation process and agreed to terms to resolve the issues in the application. As stated, the recording confirms the Tenant was asked if she understood the terms and if she agreed to them. She responded that she did. The Tenant had the opportunity to raise procedural fairness concerns at the hearing and instead consented to the order that was issued.
11. The Divisional Court has stated that "parties ought not to be easily able to revisit Board orders that have been made on consent. The effective resolution of matters that come

before the Board will be greatly impaired if parties can continually seek to revisit issues that they have earlier agreed to resolve.” (*Trust Construction Corporation v. McKie*, 2017 ONSC 4702).

12. Based on my review of the audio recoding, I am not satisfied there is sufficient reason to revisit the consent order.
13. On the basis of the submissions made in the request, I am not satisfied the Tenant was not reasonably able to participate in the November 26, 2025 Board proceeding.

It is ordered that:

1. The request to review order LTB-L-077252-25 issued on December 1, 2025 is denied. The order is confirmed and remains unchanged.

January 23, 2026
Date Issued

John Cashmore
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.