



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

File Number: LTB-T-045149-25-RV

In the matter of: 5, 123 BEATTY ST
SUDBURY ON P3C4E5

Between: Daksh Ghumaliya Tenant

And

Brent Marcon Landlords
Barb Marcon

Review Order

Daksh Ghumaliya (the 'Tenant') applied for an order determining that Brent Marcon and Barb Marcon (the 'Landlords') collected or retained money illegally.

This application was resolved by order LTB-T-045149-25 issued on January 16, 2026.

On January 28, 2026, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant submits they were not reasonably able to participate in the January 6, 2026 Board hearing because his wife, on the hearing date, experienced sudden and severe stomach pain. The Tenant does not allege they did not receive the Notice of Hearing.
2. The Tenant's request for review states that due to the serious nature of his wife's condition, he could not leave her alone to attend the hearing. The Tenant submits he and his wife did not seek medical care due to visa related issues.
3. Rule 26.8(e) of the Board's Rules of Procedure states:

A request to review an order must provide:

- e. 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.
4. I do not find the Tenant has provided sufficient information to support a preliminary finding that they were not reasonably able to participate in the proceedings.

5. The Tenant's review request falls very short of adequately explaining why the Tenant could not have attended the all-day virtual hearing by telephone or device, even if briefly, to request an adjournment. The review request also does not explain why the Tenant would have to leave his wife alone to attend the virtual hearing.
6. I find the Tenant's explanation for failing to attend the January 6, 2026 hearing is not satisfactory. In *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII), the Divisional Court affirmed that a party to a Board application must exercise reasonable diligence to be aware of and to attend the scheduled Board hearing. In the present case, the Tenant does not describe any confusion about the hearing date, or any confusion about the requirement to attend the hearing. As stated, the Tenant has provided no explanation as to why they could not attend the virtual hearing even for a short time to request an adjournment from the presiding Vice Chair.
7. Without any explanation for failing to attend and participate in the scheduled Board proceeding, I find the Tenant cannot satisfy the reasonableness element in subsection 209(2) of the *Residential Tenancies Act, 2006*.
8. 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.

It is ordered that:

1. The request to review order LTB-T-045149-25 issued on January 16, 2026 is denied. The order is confirmed and remains unchanged.

January 29, 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.

