

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

File Number: LTB-L-056852-25-RV

In the matter of: 801, 10 ROANOKE RD
Toronto ON M3A1E7

Between: bclMC Realty Corporation c/o QuadReal Residential Landlord
Properties G.P. Inc.

And

Jim Pengelly Tenant

Review Order

bclIMC Realty Corporation c/o QuadReal Residential Properties G.P. Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Jim Pengelly (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on November 25, 2024 with respect to application LTB-L-040551-24.

This application was resolved by order LTB-L-056852-25-SA issued on December 9, 2025.

On December 12, 2025, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On January 6, 2026 interim order LTB-L-056852-25-RV-IN was issued, staying the order issued on December 9, 2025, while a preliminary review of the review request is being completed.

This motion was heard by videoconference October 31, 2025, and December 2, 2025.

On December 2, 2025, the Landlord's Legal Representative, the Landlord's Agents and the Tenant's Agent attended the hearing.

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

Determinations:

1. In their request to review, the Tenant submits that they were not reasonable able to participate in the hearing that took place on December 2, 2025. The Tenant submits that the presiding member claims that the matter was abandoned, however that is incorrect, as the presiding member is of bad faith. Upon reviewing the definition of abandonment, the Tenant states that they did not abandon the hearing.

Denial of an adjournment: Inability to participate in the proceedings

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. At the hearing, the Tenant's Agent attended on the Tenant's behalf, and sought an adjournment, which the Landlord opposed. The presiding member denied the Tenant's request for an adjournment, and in the order dated December 9, 2025, the presiding member provided a detailed explanation and sufficient reasons to support their reasons for denying the Tenant's adjournment request.
4. Deciding whether to grant an adjournment of a hearing is an exercise of discretion. After hearing the submissions regarding the request to adjourn, the Member considered them, and a decision on the exercise of their discretion was rendered. Furthermore, the presiding member provided the Tenant's Agent an opportunity to contact the Tenant once their adjournment request was denied, to provide the Tenant an opportunity to attend the hearing. The Tenant submitted several submissions regarding the definition of abandonment, however in this context it relates to the Tenant failing to attend their own motion hearing, despite the return of the matter being marked peremptory on them. Therefore, the matter is marked as abandoned.
5. I find that the Member's decision to deny the adjournment request was consistent with section 183 of the Act, which requires the Board to adopt an expeditious process to resolve disputes that affords parties the adequate opportunity to be heard. This is also consistent with the Board's the authority to determine its process and procedures in any particular proceeding. I would also note that the Courts have confirmed that parties to an application are required to exercise due diligence to prepare for a Board hearing (*Q Res IV Operating GP Inc. v Berezovs'ka*, [2017] O.J. No. 4863 (Div. Ct.)).
6. As the presiding member considered relevant factors when arriving at his decision to deny the adjournment, having granted the opportunity to make submissions, I find that there was no breach of procedural fairness in the use of their discretion to deny the adjournment of the matter.

Procedural Fairness

7. In their request, the Tenant further states that the presiding member is of bad faith and that they injured the Tenant's wife on October 31, 2025, excluding her from the hearing as per interim order dated November 24, 2025 and tried to intimidate the Tenant's Agents. In The Tenant further stated that the presiding member stated that they will issue their order, and the Tenant may contest it if they wish. The Tenant submits that this was said in a condescending and disdainful manner.
8. Although the Tenant's request for review was on the basis of not reasonably able to participate in the proceeding, I will briefly address the issues regarding procedural fairness that the Tenant had raised. After considering the Tenant's submissions, I do not find that the Tenant demonstrated that there was a breach of procedural fairness in hearing that took place on October 31, 2025, and/or on December 2, 2025. Although I note that the presiding member excluded the Tenant's Agent from the proceeding, they provided reasons to support their decision in their interim order and I do not find this was an inappropriate exercise of discretion. The presiding member has the authority under section

23(3) of the *Statutory Powers of Procedures Act, 1990* ("SPPA") to exclude the Tenant's Agent from the hearing, when it is appropriate to do so. The Tenant did not offer sufficient details regarding how the presiding member intimidated their agent, therefore I do not find that there was evidence of the presiding member intimidating the Tenant's agent. Lastly, I do not find that the presiding member made condescending and/or disdainful remarks against the Tenant during the proceeding. Although the Tenant may disagree with how the presiding member decided and/or how they may have conducted the hearing, I do not find that there was evidence of a breach of procedural fairness in any of the proceedings.

It is ordered that:

1. The request to review order LTB-L-056852-25-SA issued on December 9, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on January 6, 2026 is cancelled. The stay of order LTB-L-056852-25-SA is lifted immediately.

January 30, 2026
Date Issued

Nathalia Debski
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.