



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

Citation: Dong v Shi, 2026 ONLTB 10989

Date: 2026-01-30

File Number: LTB-L-073514-25-RV

In the matter of: 922, 39 Queens Quay East
Toronto ON M5E0A5

Between:	Hong Dong	Landlord
	And	
	Yang Shi	Tenant

Review Order

Hong Dong (the 'Landlord') applied for an order to terminate the tenancy and evict Yang Shi (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-073514-25 issued on November 18, 2025, and amended on January 13, 2026.

On January 29, 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 did not attend the hearing that occurred on November 5, 2025 that resulted in the order they seek to review. The Tenant does not allege that they were unaware of the hearing but rather states the following in the review request:

“Unable to attend. I was physically very ill during this time and was also suffering from trauma and mental instability from a serious injury where I was brutally attacked (see attached pictures) and hospitalized.”

2. Attached to the review request is a photograph of what appears to be the Tenant in a hospital bed with a head injury. The photograph has a date of August 24 at the top.
3. 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.
4. 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 Tenant has not done so in this case.

5. The Tenant has not provided any information about when specifically their injury occurred. I note that the photograph attached to the review request that shows the Tenant’s injury has a date of August 24 without a year at the top. It’s unclear whether that is the date the photograph was taken, retrieved, or if its some other date. Regardless that date is months before the November 5, 2025 hearing.
6. The Tenant’s photograph shows them in what appears to be a hospital. In those circumstances I would expect to see a doctor’s note accompanying the review but the Tenant has not provided one. The Divisional Court in *Wang v. Oloo*, 2023 ONSC 1028 (*‘Wang’*) considered the information required from a doctor’s note to support a finding that an adjournment was necessary. While this case involves a request for review not an adjournment request, I find *Wang* informative about the type of information required about a medical condition to support a finding that someone cannot participate in a hearing. The Court states that doctor’s notes must contain sufficient information to enable the court to exercise its own judgment as to whether the adjournment should be granted. The Court elaborates that this at a minimum should include a description of a diagnosis, the effect of the patient’s condition on their ability to attend and participate in the hearing, and a statement as to when, in the doctor’s opinion, the patient will be well enough to attend court and participate as required. In this case the Tenant has not provided a doctor’s note nor provided any of the information identified as being required by the Court in *Wang*.
7. Without more information about when the injury occurred and what has happened since, I am unable to determine if the Tenant exercised due diligence to attend the hearing. The date on the photograph supports that the injury occurred months before the hearing. In *Q Res IV Operating GP Inc. v. Berezovs’ka*, 2017 ONSC 5541 (CanLII) the Court stated: “Lack of diligence in dealing with court proceedings is a reason for refusing to set aside an order where a party has failed to appear. In other words, it was not an error in law for the Review Board to find that lack of diligence constituted a reason not to grant the landlord a rehearing. If 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; *Wang v. Oloo*, 2023 ONSC 1028. The Board has a process for parties who need to adjourn or reschedule the hearing. The Tenant did not engage in that process nor does the review request provide sufficient information to support why not.

9. While in *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708, the Divisional Court established that being reasonably able to participate in a proceeding must be interpreted broadly, the Tenant has provided insufficient information in this case to support a preliminary finding that they were not reasonably able to participate in the proceeding. I am not satisfied that the Tenant could not attend the hearing or genuinely intended to participate in it.

It is ordered that:

1. The request to review order LTB-L-073514-25 issued on January 13, 2026, and amended on January 13, 2026, is denied. The order is confirmed and remains unchanged.

January 30, 2026
Date Issued

Amanda Kovats
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.