



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

Citation: Barry v Therriault, 2026 ONLTB 11035

Date: 2026-01-30

File Number: LTB-L-091028-25-RV

In the matter of: 371 Montclair Street
Thunder Bay ON P7A1M7

Between: Kimberley Barry Landlord
Liane Mckinnon
Steven Frederickson

And

Thomas Therriault Tenant

Review Order

Kimberley Barry, Liane Mckinnon and Steven Frederickson (the 'Landlord') applied for an order to terminate the tenancy and evict Thomas Therriault (the 'Tenant') because the Landlord has entered into an agreement of purchase and sale of the rental unit and the purchaser in good faith requires possession of the rental unit for the purpose of residential occupation.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-091028-25 issued on January 22, 2026.

On January 29, 2026, the Tenant requested a review of the order.

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that the Tenant was not reasonably able to participate in the proceeding.
2. The Tenant did not attend the hearing that occurred on January 6, 2026 that resulted in the order they seek to review. The Tenant does not allege that they were unaware of the hearing but rather that they were very ill at the time of the hearing and that they tried to call in on the telephone but were too ill to do so.
3. 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.

4. The Tenant states generally that they were very ill but provides no information about their diagnoses, when it started, or the symptoms that prevented them from calling into the hearing. The Tenant has also not provided a doctor’s note to provide more information. 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*.
5. 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. I am also not satisfied by the Tenant’s general statement that is unsupported by any medical documentation that they were unable to call into the virtual hearing to request an adjournment.
6. The notice of hearing that was sent to the Tenant makes clear the importance of the hearing and the potential consequences of not attending. Both the Board and Landlord spent resources having the hearing. A vague statement about being ill without any supporting documentation is not sufficient to support a preliminary finding that the Tenant was not reasonably able to participate in the proceeding.
7. 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 that the Tenant genuinely intended to participate in it.
8. The Tenant also alleges that the order contains a serious error regarding the amount of daily compensation ordered. That amount is based on the evidence led at the hearing. It was not a serious error for the Board to do so. The Tenant’s opportunity to contest the Landlord’s claims was at the hearing. A review is not an opportunity to reargue an application that has been finally determined.

It is ordered that:

1. The request to review order LTB-L-091028-25 issued on January 22, 2026 is denied. The order is confirmed and remains unchanged.

January 30, 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.