



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

Citation: G&N DEVELOPMENTS INC. v BRUGGEN, 2026 ONLTB 17969

Date: 2026-02-25

File Number: LTB-L-089902-25-RV

In the matter of: 1138 DUNDAS ST E
TORONTO ON M4M1S1

Between: G&N DEVELOPMENTS INC.

Landlord

And

LEONARD VAN BRUGGEN

Tenant

Review Order

G&N DEVELOPMENTS INC. (the 'Landlord') applied for an order to terminate the tenancy and evict LEONARD VAN BRUGGEN and LEONARD VAN BRUGGEN (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-089902-25 issued on January 26, 2026.

On February 24, 2026, the Tenant requested a review of the order.

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

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 requested an adjournment of the hearing which was denied. In the review request the Tenant largely repeats the reasons he gave for needing an adjournment at the hearing. The decision to deny the adjournment request was an exercise of the Hearing Member's discretion and is entitled to deference. The order reflects that the Hearing Member considered the parties submissions and gave sufficient reasons for the decision to deny the adjournment. One of the reasons for denying the adjournment was that the Tenant had sufficient notice and time to prepare for the hearing. I note that even in the review request after providing information about why he was not prepared because of issues with retaining a legal representative, the Tenant states that he knew some days before the hearing that his evidence was not submitted. As such the Tenant had knowledge before the hearing about the issues with his representation. The Hearing Member's finding that the Tenant was not diligent in preparing for the hearing was

reasonable. I am not satisfied that the Hearing Member unreasonably exercised their discretion or made any other serious errors in denying the adjournment request.

3. The Tenant also states that they were suffering “some temporary cognitive issues” that made them unable to counter the Landlord’s claims or defend themselves at the hearing. The Tenant’s submissions are very vague in this regard. The Tenant provides no information about what those temporary cognitive issues were nor does the Tenant provide any supporting documentation such as a doctor’s note. 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 regard.
4. 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”. The order reflects that the Tenant provided testimony on the relevant issues. There is nothing in the order that supports that the Tenant was not reasonably able to participate in the proceeding. The Tenant has not reference anything that happened in the hearing, provided a transcript, or timestamp of the recording, to demonstrate that the events that happened in the hearing demonstrate that he was not able to participate. I am not satisfied by the Tenant’s bald assertion that he was unable to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-089902-25 issued on January 26, 2026 is denied. The order is confirmed and remains unchanged.

February 25, 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.