



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

File Number: LTB-L-079756-25-RV

In the matter of: 107, 2360 PRINCESS ST
KINGSTON ON K7M3G4

Between: 15472491 Canada Inc. Landlord

And

Justin Szilveszter Tenant

Review Order

15472491 Canada Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Justin Szilveszter (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-079756-25 issued on January 7, 2026.

On January 28, 2026, 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 29, 2026 interim order LTB-L-079756-25-RV-IN was issued, staying the order issued on January 7, 2026.

This request was heard by videoconference on February 24, 2026.

The Landlord's Legal Representative, S. Whittick, and the Tenant attended the hearing.

Determinations:

1. In this request, the Tenant states that he was not reasonably able to participate in the proceeding because he was sick with Strep Throat and could hardly speak. In the request, the Tenant also stated that he contacted the Landlord's Legal Representative via email to advise of his illness.
2. At the hearing, the Tenant apologized for not showing up at the hearing. He stated that he was very sick and could not get out of bed. He also stated that when he woke up on the day of the hearing, he emailed the Landlord's Legal Representative about not being able to speak and being bed ridden.
3. Under cross-examination, initially the Tenant could not recall if the Landlord's Legal Representative had reached out to him first, then the Tenant confirmed that he did respond to the Landlord's Legal Representative's email as opposed to initiating an email to her.

4. The Landlord's Legal Representative submitted that the Tenant was aware of the hearing date and did not reach out prior to that date seeking a rescheduling. She also submitted that the Tenant confirmed that he responded to her email on the day of the hearing, wherein she provided the link to join the video hearing conference as he had not attended as of yet, but still did not attend the hearing. The Landlord's Legal Representative further submitted that the allegations raised in the Tenant's written request were inaccurate and requested that the review be denied.
5. Guideline 8 of the *Guidelines* provides that the request must provide a detailed explanation why the requestor was unable to participate in the proceeding and satisfy the LTB that they genuinely intended to participate. The LTB will refuse requests where the requestor's absence was the result of negligence or it finds no reasonable explanation for the failure to attend.
6. The Tenant did not provide any medical note in support of his stated illness of Strep Throat in this written request. This stated illness asserted by the Tenant is one that requires testing and most likely antibiotics which would be supporting evidence of this illness. However, the Tenant did not provide any documentation into evidence. The Tenant bears the burden in this request to satisfy the LTB that he genuinely intended to participate.
7. In any event, if the Tenant could respond to the Landlord's email on the day of the hearing, there is nothing before the LTB that the Tenant could not have reached out to the Landlord's Legal Representative in advance of the hearing or to the LTB itself on the day of the hearing to request a rescheduling or an adjournment of the hearing. The Tenant failed to take any proactive steps and chose to simply not attend the hearing.
8. In *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 (CanLII), the Divisional Court stated that "[I]f 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"
9. On the basis of the evidence and submissions before me, I am not satisfied that the Tenant genuinely intended to participate in the proceeding. The Tenant was aware of the hearing date, could access the internet, responded to an email, yet simply failed to attend the hearing. In these circumstances, I find that the Tenant was reasonably able to participate in the proceeding.
10. Consequently, the Tenant's request for review is denied.

Lifting of the Stay

11. The Landlord requested that the stay be lifted immediately as the Tenant has not made any payments to the Landlord since November 2025. The Tenant requested that the lifting of the stay be delayed for two months to allow him an opportunity to find another place. The Tenant has not made any payments towards rent in December, January or February, however since the Landlord is holding a last month's rent deposit, I find that it would not be unfair to delay the lifting of the stay but only until March 15, 2026.

It is ordered that:

1. The request to review order LTB-L-079756-25 issued on January 7, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on January 29, 2026 is cancelled. The stay of order LTB-L-079756-25 is lifted on March 15, 2026.

March 4, 2026
Date Issued

Lisa Del Vecchio
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.