



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

Citation: Medallion Corporation v Brennan, 2026 ONLTB 19240

Date: 2026-03-06

File Number: LTB-L-101620-25-SA-RV

In the matter of: 122, 1040 CEDAR ST
OSHAWA ON L1J3R7

Between: Medallion Corporation Landlord

And

Daniel Brennan Tenant

Review Order

Medallion Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Daniel Brennan (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in the order issued by the Board on March 7, 2025 with respect to application LTB-L-053720-24.

This application was resolved by order LTB-L-101620-25 issued on December 8, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-101620-25.

The Tenant's motion was resolved by order LTB-L-101620-25-SA issued on January 23, 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 28, 2026, interim order LTB-L-101620-25-SA-RV-IN was issued, staying the order issued on December 8, 2025, and January 23, 2026.

This review was heard by videoconference on February 24, 2026. The Landlord's legal representative Samuel Korman, the Landlord's agent Joy Toralba and the Tenant attended the hearing.

Determinations:

1. The order issued on January 23, 2026 dismisses the Tenant's motion as abandoned as the Tenant was not present or represented at the hearing held on January 14, 2026 to support their set aside motion.

2. The Tenant's request for review asserts that they were not reasonably able to participate in the proceedings.
3. The Tenant testified that he was not aware of the January 14, 2026 hearing date until after the matter had concluded. The Tenant stated that from December 25, 2025 to January 11, 2026 he was travelling in the United States and that when he returned to Canada on January 12, 2026, he was burnt out and spent the next two days relaxing and mostly sleeping.
4. The Tenant stated that he first learned of the hearing date during the evening of January 14, 2026, when he decided to check his mail and discovered the notice of hearing in his mailbox.
5. As explained below, I do not find the Tenants testimony credible and as such, I am not satisfied that that the Tenant was not reasonably able to participate in the proceedings.
6. The Board's records confirm that notice of hearing was served to the Tenant via email only on December 19, 2025. The Board's records confirm that neither party was served with notice for the January 14, 2026 hearing date via Canada Post and therefore, the Tenants testimony that he only learned about the hearing date after checking his mailbox on January 14, 2026 is simply untrue. The Tenant also did not provide any documentary evidence such a photograph of the documents he apparently found in his mailbox.
7. The Board's records confirm that the Tenant was served with the notice of hearing six days prior to departing from Canada and that the notice was emailed to the Tenant the next day after he filed his set aside motion. I find that the Tenant was in fact aware of the January 14, 2026 hearing date.
8. After I pointed out the inconsistencies in the Tenant's testimony and indicated that I would be denying the review request, the Tenant began to make submissions on the set aside motion itself and why it would not be unfair to set aside the December 8, 2025 ex-parte order. Although I sympathize with the Tenant's circumstances, the merits of the set aside motion can only be considered if the request for review is granted. In this case, the review request is not being granted as I am not satisfied that the Tenant was not reasonably able to participate in the proceedings.
9. I find that the Tenant was aware of the hearing date and either simply forgot about the hearing during his vacation or chose not to attend the hearing because he believed the motion would be granted because he subsequently cured the breach alleged in the Landlord's L4 application.
10. As stated by the Court in *Q Res IV Operating CP Inc. v. Berezovs'ka* 2017 ONSC 5541 "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.
11. As such, the Tenant's request for review is denied and the order issued on January 23, 2026 will remain confirmed and unchanged.

Lifting of the Stay:

12. As the request for review is denied, the only issue left for the Board to determine is whether it would be unfair to delay lifting the stays imposed by the January 28, 2026 interim order.
13. At the hearing, the Landlord agreed that the Tenant has paid all rent arrears owing to February 28, 2026. The Tenant has resided in the rental unit for 11 years and resides in the unit with his 13-year-old daughter. The Tenant's monthly income is less than \$3,000.00 and is paid through ODSP and Child Tax Benefit.
14. Based on the evidence and submissions above, I find that it would not be unfair to delay lifting the stay of the December 8, 2025 and January 23, 2026 order to June 30, 2026 to allow the Tenant some additional time to secure a new rental and to allow his child to complete the school year. The Landlord did not oppose this delay.
15. This Order contains all the reasons for this matter. No further reasons will issue.

It is ordered that:

1. The request to review order LTB-L-101620-25-SA issued on January 23, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on January 28, 2026 is cancelled. The stay of orders LTB-L-101620-25-SA issued on January 23, 2026, and LTB-L-101620-25 issued on December 8, 2025 are lifted June 30, 2026.

March 6, 2026
Date Issued

Fabio Quattrociochi
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.