



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

Citation: Gallant v VIP Properties Management Ltd., 2026 ONLTB 19243

Date: 2026-03-09

File Number: LTB-T-108661-25-RV

In the matter of: 555 Firefly Drive
London ON N5X0E2

Between: Emily Gallant Tenant

And

VIP Properties Management Ltd. Landlord

Review Order

Emily Gallant (the 'Tenant') applied for an order determining that VIP Properties Management Ltd. (the 'Landlord'):

- altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenant replacement keys.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was heard on January 19, 2026, and resolved by order LTB-T-108661-25 issued on January 26, 2026.

On January 26, 2026, the Tenant requested a review of the order.

On January 29, 2026, interim order LTB-T-108661-25-RV-IN was issued directing the matter to a review hearing.

The review request was heard by videoconference on February 24, 2026. The Tenant, the Landlord's agent Nina Zhaung and the Landlord's legal representative Rong Wei Yu attended the hearing.

Determinations:

Preliminary:

1. The application is filed by the named tenant / applicant Emily Gallant.

2. Prior to hearing the merits of the review request, an individual named Jason Morrissey who appeared at the hearing as the Landlord's witness asserted that they were in fact the lawful tenant of the rental unit and not the applicant party.
3. The parties were advised that the purpose of this review hearing was to determine whether the named tenant / applicant party was reasonably able to participate in the proceedings.
4. Therefore, although this order refers to Emily Gallant as the Tenant, no finding is made with respect who is in fact the lawful tenant of the rental unit. Ms. Gallant will therefore be referred to as "the Tenant" in this order simply because she is the sole applicant and named tenant on this application.

Review Request:

5. The order issued on January 26, 2026 dismisses the application as abandoned as the Tenant was not present or represented at the time the matter was called forward. As per the order, the Tenant signed into the hearing at 1:00pm and disconnected shortly afterwards. The matter was stood down until 2:18pm to allow the Tenant an opportunity to call back into the hearing which was not done.
6. The Tenant's request for review asserts that they were not reasonably able to participate in the proceedings.
7. As explained below, I am not satisfied that the Tenant was not reasonably able to participate in the proceedings.
8. The Tenant's application alleges conduct / concerns with her ex-partner / joint-tenant Jason Morrissey and the Landlord's failure to intervene with these concerns.
9. The Tenant testified that she logged into the video hearing on January 19, 2026 and noticed that Mr. Morrissey was present in the hearing room as a Landlord's witness. The Tenant stated that at the time of the hearing, both she and Mr. Morrissey had a no contact order issued by the Courts and as such, she decided to disconnect from the videoconference. The Tenant further stated that this was done due to safety concerns.
10. The Board's records confirm that the Tenant did not address this concern with the Member presiding over the January 19, 2026 hearing date. The Board's records further confirm that at the time the application was filed on December 28, 2025, that the Tenant filed with the Board an accommodation request asking that Jason Morrissey not be present at the hearing.
11. On January 15, 2026, Board staff responded to the Tenant's accommodation request via email stating the following:

If you have any concerns with respect to the management of the hearing, or any concerns regarding participants in the hearing, these should be brought to the attention of the presiding adjudicator at the start of the hearing and when they arise during the hearing.

12. The Board's records confirm that the Tenant responded to the above noted email on January 15, 2026 at 3:30pm. As such, I find that the Tenant was aware of the Board's instructions.
13. Based on the evidence and submissions before the Board, I am not satisfied that the Tenant was not reasonably able to participate in the proceedings.
14. Firstly, the Tenant did not file with the Board a copy of the alleged no contact order between herself and her ex-spouse / joint tenant at either the original hearing or this review hearing. Therefore, the Board is unable to determine whether in fact the Tenant could not be in the same virtual hearing room as Mr. Morrissey. Secondly, it is not uncommon for no-contact orders to have exceptions regarding legal proceedings. Finally, I do not accept the Tenant's argument that she had to disconnect from the videoconference due to personal safety concerns as the hearing was held by videoconference and the parties therefore had no physical contact with each other.
15. The courts have enjoined that the phrase "not reasonably able to participate" should be interpreted broadly to ensure natural justice and, where a party shows that they genuinely intended to participate in a hearing but were prevented from so doing, then they should be entitled to a hearing through the review process. In this case, I find that the Tenant's non-attendance at the hearing was due to a lack due diligence on her part and that the Tenant simply chose not to attend the hearing because she was unhappy with her demands and accommodation request not being granted.
16. As stated by the Divisional 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".
17. In this case, the Tenant had access to the videoconference and logged into the hearing at the scheduled start time. Although the Tenant made a prior accommodation request with the Board, the Tenant was advised by Board staff to address this concern with the presiding Member. Despite these instructions, the Tenant made a conscious decision to disconnect from the hearing and to not call back into the videoconference simply because she was unhappy with the way the hearing process was unfolding. The Tenant could have addressed her concerns with the presiding Member at the time she observed Mr. Morrissey in the hearing room but chose not to do so.
18. In my view, this is not a valid ground for review as parties before the Board are required to follow the Board's process and directions with respect to the hearing process. Parties cannot simply choose to not participate in a proceeding because they are unhappy with the process and then demand a re-hearing of the matter. To allow this would undermine the Board's mandate under section 183 of the Act to resolve matters in the most expeditious manner and would further result a blatant disrespect for the Board's process.
19. As such, the Tenant's request for review is denied and the January 26, 2026 order will remain confirmed and unchanged.
20. 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-T-108661-25 issued on January 26, 2026, is denied. The order is confirmed and remains unchanged.

March 9, 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.