



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

File Number: LTB-L-089904-25-RV

In the matter of: 203, 25 JOSEPH ST
KITCHENER ON N2G4X6

Between: Kitchener Housing Inc. Landlord

And

Mallary Watson Tenant

Review Order

Kitchener Housing Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Mallary Watson (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has willfully or negligently caused damage to the premises.

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

Kitchener Housing Inc. (the 'Landlord') also applied for an order requiring Mallary Watson (the 'Tenant') to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

This application was resolved by order LTB-L-089904-25 issued on February 17, 2026 as a result of a hearing that took place on January 12, 2026 where all parties were in attendance.

On February 27, 2026, the Tenant requested a review of the order.

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

Determinations:

1. For the reasons that follow, the request to review is denied and the order remains unchanged.

REQUEST TO REVIEW

2. The Tenant's request to review alleges the Tenant was not reasonably able to participate when her adjournment request was denied. Essentially the Tenant disputes the presiding adjudicator's decision to deny the adjournment request to allow her to prepare her response to the Landlord's application.
3. The Board's Interpretation Guideline #1 speaks to what parties can expect when making requests to adjourn/reschedule a hearing. It states in part the following:

Parties are expected to make any necessary arrangement to proceed with a case management or merits hearing on the date set out in the Notice of Hearing. The granting of adjournments is at the discretion of the Member hearing the application or the Hearing Office conducting the case management. Pursuant to s. 21 of the SPPA, an adjournment will only be granted by the Board if it is required to permit an adequate hearing to be held.

Where the Member is satisfied that the party has received sufficient notice of the hearing and has been provided with an adequate opportunity to prepare their evidence and submissions, summons witnesses and obtain counsel ahead of the hearing date, an adjournment is not usually granted unless there are exceptional circumstances.

...

Both parties are expected to be prepared with their evidence, witnesses, and submissions on the scheduled hearing date, and adjournments are not generally granted because a party is not prepared to proceed.

4. Since the granting or denying of an adjournment request is discretionary and therefore entitled to deference, the question before the Board is whether it was unreasonable for the presiding adjudicator to deny the Tenant's request to adjourn the hearing based on what was before them. I find it was not.
5. In reviewing the request to adjourn that was before the presiding adjudicator, it appears the presiding adjudicator turned their mind to the relevant criteria in determining whether or not to grant the request. the hearing was in January 2026 – the notice of this hearing was sent in November 2025 – so the Tenant had approximately 2 months to prepare her evidence. This is articulated in paragraph 5 of the order that is the subject of this review.
6. In terms of the evidence before the Board at the hearing regarding the Tenant's health condition, aside from her testimony, there was no supporting documentation to corroborate the Tenant's assertions. This is articulated at paragraph 7 of the order.
7. So, in the absence of medical documentation, combined with the fact that the Tenant had 2 months notice of the hearing date, I do not find it unreasonable for the presiding

adjudicator to deny the adjournment request – that is within the range of expected and appropriate outcomes.

8. 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 a serious error occurred in the proceedings or that the Tenant was not reasonably able to participate in the proceeding and the request to review is denied.

It is ordered that:

1. The request to review order LTB-L-089904-25 issued on February 17, 2026 is denied. The order is confirmed and remains unchanged.

March 2, 2026
Date Issued

Sonia Anwar-Ali
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.