



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

File Number: LTB-L-065207-25-RV

In the matter of: 240 EDGEWATER BLVD
TECUMSEH ON N8N2H2

Between: Elie Alagha Landlord

And

Damie Oliver Tenant

Review Order

Elie Alagha (the 'Landlord') applied for an order to terminate the tenancy and evict Damie Oliver (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-065207-25 issued on October 23, 2025.

On March 4, 2026, the Landlord requested a review of the order.

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

Determinations:

1. The Landlord's request to extend time to file a review is granted, but the review itself is denied.
2. Only the Tenant attended the hearing that was scheduled on October 8, 2025. As such the Landlord's application was dismissed as abandoned. The Landlord writes the following in the review request:

I accidentally overlooked the date of the hearing as I was closing down my business for the season and getting ready for winter travel. A complete oversight on my part. Notice of the order went into my junk folder and only now was I able to address this issue. Tenant has been telling me to expect funds only for more time to pass without and payment. Last payment received was Dec 09, 2025.

3. On the basis of the submissions made in the request, I am not satisfied that the Landlord was not reasonably able to participate in the proceeding. The Landlord has provided insufficient information to support the request, and I am not satisfied that the Landlord's absence from the hearing is not the result of a lack of diligence.

4. 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.
5. The Landlord has provided insufficient information to explain what they mean by “overlooked the hearing”. Did the Landlord get the notice of hearing but forgot to attend? Was the Landlord not monitoring the email address they provided to the Board to use to communicate with them? The Landlord says that the order went to their junk folder but provides no information about whether they received the notice of hearing and when. The Landlord provides flight confirmation about a flight after the hearing that adds no further information.
6. The Landlord’s statement that they overlooked the date of the hearing as they were closing down their business for the season supports that lack of diligence is why they failed to appear. In *Q Res IV Operating GP Inc. v. Berezovs’ka*, 2017 ONSC 5541 (CanLII) the Court stated:

Lack of diligence in dealing with court proceedings is a reason for refusing to set aside an order where a party has failed to appear. In other words, it was not an error in law for the Review Board to find that lack of diligence constituted a reason not to grant the landlord a rehearing. 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.

It is ordered that:

1. The request to review order LTB-L-065207-25 issued on October 23, 2025 is denied. The order is confirmed and remains unchanged.

March 6, 2026
Date Issued

Amanda Kovats
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.