



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

Citation: Nakihimba v JCD INC., 2026 ONLTB 23433

Date: 2026-03-18

File Number: LTB-T-007885-23-RV

In the matter of: 101, 266 Saint George
Toronto ON M5R2P5

Between:	Waboshi Nakihimba	Tenant
	and	
	JCD INC.	Landlord

Review Order

Waboshi Nakihimba (the 'Tenant') applied for an order determining that JCD INC. (the 'Landlord'):

- entered the rental unit illegally.
- 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.
- withheld or interfered with their vital services or care services and meals in a care home.

This application was resolved by order LTB-T-007885-23 issued on January 7, 2026. Only the Landlord's Legal Representative, Lori Khaouli, and the Landlord's Agent, Halina Walkiewicz, attended the hearing.

On February 3, 2026, the Tenant requested a review of the order.

The review request was heard by videoconference on March 16, 2026.

The Tenant, the Landlord's Legal Representative, Lori Khaouli, and the Landlord's Agent, Halina Walkiewicz, attended the hearing.

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding. Accordingly, the request to review the order must be denied.
2. The Tenant concedes that he was aware of the December 15, 2025 proceeding. He testified that he was unable to attend the hearing because he had another hearing in the

Court of King's Bench in Saskatchewan. He testified that the hearing for the Court of King's Bench was at the same time as the LTB hearing.

3. The Tenant concedes that he filed a request to reschedule the hearing in advance of the hearing date, detailing that he had another court hearing on the same date.
4. A party to a Board application is required to attend the scheduled Board hearing. In *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807 (Div. Ct.) (CanLII) and *Wang v. Oloo*, 2023 ONSC 1028 (Div. Ct.) (CanLII), the Court affirmed that a party must comply with the Board's process to reschedule or adjourn the hearing if the party is not reasonably able to attend and participate in the proceeding.
5. In this case, although the Tenant submitted a request to reschedule the December 15, 2025 hearing, the request was not made with the Landlord's consent as required by Rule 21.1 of the Board's *Rules of Procedure*. The Board's November 18, 2025 Member Endorsement did not approve the Tenant's request to reschedule the hearing. The Board's November 18, 2025 Member Endorsement denying the Tenant's request to reschedule the hearing was therefore reasonable and consistent with the Rule.
6. The Tenant's own request states that the Court of King's Bench hearing commenced at 10:00am CST, or 11:00am EST. This hearing block began at 9:00am EST. The Tenant had two hours prior to the scheduled start time of his other hearing to join the LTB hearing. The Tenant could therefore have joined the proceeding, even if only briefly, to request an adjournment, per Rule 21.7. In the alternative, the Tenant could have had an agent or legal representative attend the hearing to give evidence in support of an adjournment request. The Tenant, by his own admission, simply chose not to.
7. Keeping in mind the Divisional Court's decisions in *Lacroix* and *Wang*, I find that the Tenant has not demonstrated that they were not reasonably able to participate in the December 15, 2025 Board proceeding. Although the Board did not approve the Tenant's request to reschedule the hearing, the Tenant decided not to attend in person or by agent to participate in the proceeding or to request an adjournment. The Tenant's decision was not reasonable and does not represent good cause to review the December 15, 2025 Board order. The Tenant's omission to have a legal representative or agent attend on the hearing date to request an adjournment was also not consistent with the duty to exercise reasonable diligence to participate in a Board proceeding: *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII).
8. The Tenant states in his review request that the presiding Member was biased because she did not review evidence filed by the Tenant on the Tribunals Ontario Portal. The hearing Member was not required to review and consider evidence not presented at the hearing. This submission therefore does not support a finding of bias.
9. The remainder of the Tenant's review request seeks to challenge the Landlord's evidence presented at the hearing and seeks the opportunity to present his own evidence. This does not amount to a serious error in the order or in the proceedings. The opportunity to present evidence and challenge the Landlord's evidence was at the hearing stage not at the review stage of the proceedings. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues in the hopes of a better outcome.

10. As the Tenant has failed to establish that there is a serious error in the order or that they were not reasonably able to participate in the proceedings, the request to review must be denied.

It is ordered that:

1. The request to review order LTB-T-007885-23 issued on January 7, 2026 is denied. The order is confirmed and remains unchanged.

March 18, 2026
Date Issued

Candace Aboussafy
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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