



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

Citation: Sax v Duff, 2026 ONLTB 23597

Date: 2026-03-24

File Number: LTB-L-090544-25-RV

In the matter of: Basement Unit, room off kitchen
2804 Everts Ave
Windsor ON N9E2V2

Between: Keven Sax Landlord

and

Bryan Edward Duff Tenant

Review Order

Keven Sax (the 'Landlord') applied for an order to terminate the tenancy and evict Bryan Edward Duff (the 'Tenant') because:

- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex.

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

This application was resolved by order LTB-L-090544-25 issued on February 10, 2026.

On February 10, 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 February 11, 2026, interim order LTB-L-090544-25-RV-IN was issued, staying the order issued on February 10, 2026.

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

The Landlord's Legal Representative, Kristen Jarvis, the Landlord and the Tenant attended the hearing.

Determinations:

1. On the basis of the submissions made, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding. Accordingly, the Tenant's request to review must be denied.
2. The Tenant testified that he was not reasonably able to participate in the hearing on February 2, 2026 because he thought that the hearing was on February 22, 2026. He testified that he was working midnights, so he was sleeping at the time as he thought the hearing was not until the 22nd. He did not record the date in a calendar or otherwise because he testified that he is not the type of person who records dates in a calendar.
3. The Tenant received proper notice of the hearing but failed to take any steps to diarize the date. Rather, the Tenant just assumed he would remember it. While the Tenant testified that he has been having memory issues due to low iron, in my view, this is good cause for the Tenant to ensure that he is taking steps to take notice of the date and ensure his attendance, but the Tenant failed to do so.
4. Based on the evidence adduced at the hearing, I find that the Tenant had a reasonable opportunity to participate and did not exercise due diligence or chose not to attend the hearing. The Courts have affirmed that parties to a Board application are required to exercise due diligence to prepare for a Board hearing: *Q Res IV Operating GP Inc. v. Berezovs'ka*, [2017] O.J. No. 4863 (Div. Ct.), paragraph 8, which states:

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.

5. Based on the above, I do not find that the Tenant exercised due diligence to ensure his participation in the proceedings. Therefore, the request to review based on the Tenant's allegation that she was not reasonably able to participate in the hearing is denied.

It is ordered that:

1. The request to review order LTB-L-090544-25 issued on February 10, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 11, 2026 is cancelled. The stay of order LTB-L-090544-25 is lifted immediately.

March 24, 2026
Date Issued

Candace Aboussafy
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.