



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

Citation: SheppBonn Ltd v Han, 2026 ONLTB 23685

Date: 2026-03-24

File Number: LTB-L-095613-25-RV

In the matter of: 93 Sheppard Ave E
North York ON M2N3A3

Between: SheppBonn Ltd Landlord

and

Mei Han Tenant

Review Order

SheppBonn Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Mei Han (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-095613-25 issued on February 3, 2026.

On February 12, 2026, the Tenant's Agent requested a review of the order and that the order be stayed until the request to review the order is resolved.

On February 12, 2026, interim order LTB-L-095613-25-RV-IN was issued, staying the order issued on February 3, 2026.

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

The Landlord's Legal Representative, Elaine Page, the Landlord's Agent, Jeffery Oulahan, and the Tenant's Agent, David Gallo, attended the hearing.

Determinations:

Preliminary Issue – David Gallo's eligibility to act as a representative

1. The Landlord's Legal Representative submitted that David Gallo ('DG'), the Tenant's representative, is not a licensee of the Law Society of Ontario and should not be permitted to represent the Tenant at the hearing. The Landlord's Legal Representative submits that the Member at the prior hearing already made a determination that DG cannot act as the Tenant's representative.

2. There is no requirement that a party be represented in proceedings at the Board. If a party chooses to be represented, however, the Board's Practice Direction on Representation states that a representative may be a licensee of the Law Society of Ontario ('LSO') or an unlicensed person, provided that the person falls within a category of persons exempted from the requirement by the LSO.
3. The LSO permits non-licensees to represent a friend or neighbour before the Board without remuneration no more than three times per year. DG stated that he is a friend of the Tenant, is not receiving compensation from the Tenant for appearing, and this is the first matter in which he has represented a party before the Board. No evidence was led to contradict his assertions.
4. I am satisfied based on DG's uncontradicted submissions that he falls within the category of persons the LSO has exempted from its licensing requirements. At the previous hearing, DG was not permitted to represent the Tenant because there was nothing before the Board from the Tenant authorizing him to do so. In this instance, the Tenant submitted written authorization for DG to act as their representative. I am therefore satisfied that DG is eligible to represent the Tenant in this proceeding.

The Review Request

5. DG submits that the Tenant was not reasonably able to participate in the previous hearing for several reasons.
6. First, DG submits that the Tenant had insufficient notice of the hearing because the Tenant only became aware of the hearing on January 13, 2026 and 10 days is an insufficient amount of time to prepare for the hearing. DG submits that the Tenant was not disputing the arrears but rather wanted to raise their own issues pursuant to section 82 of the *Residential Tenancies Act, 2006* (the 'Act').
7. I am not satisfied that 9 days, the amount of notice the Tenant had according to DG's statement of when the Tenant became aware of the hearing, is an insufficient amount of time to prepare and serve evidence in response to an application about arrears which the Tenant does not dispute. The Tenant had sufficient time to respond to the claims in the Landlord's application, and I therefore find that the Tenant was not prejudiced in this regard. If the Tenant wants to seek remedies for their own alleged issues, they may file their own application. This is not good cause for a review or an adjournment of the previous hearing.
8. DG also submits that the Tenant was not reasonably able to participate in the proceeding because the Tenant's Agent requested an adjournment and that adjournment request was denied.
9. The presiding Member's decision to deny the adjournment request was not unreasonable.
10. Section 21 of the *Statutory Powers Procedure Act, 1990* (the 'SPPA') states that a hearing may be adjourned where it is shown to the satisfaction of the tribunal that an adjournment is required to permit an adequate hearing to be held. Interpretation Guideline 1 of the Board's Interpretation Guidelines states:

Parties should assume that the hearing will proceed on the date stated in the Notice of Hearing. This means that the parties should be prepared to present their evidence, call and question witnesses and make submissions.

...

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.

The specific factors the Member may consider in deciding whether to grant an adjournment include:

1. the reason for the adjournment and position of the parties;
2. the issues in the application;
3. any prejudice that may result from granting or denying the request;
4. the history of the proceeding including other adjournments or rescheduling;
5. the LTB's obligation to adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter.

11. It is apparent from the final order that the presiding Member correctly exercised their jurisdiction under section 21 of the SPPA by admitting and considering the parties' evidence and circumstances when denying DG's adjournment request. The section of the final order above '**Determinations**' shows that the presiding Member considered the reason for the adjournment request, that the Tenant had sufficient time to prepare for the hearing, and the prejudice to the Landlord in granting the adjournment request. Although another Board Member may have exercised their discretion differently, the presiding Member's decision is entitled to deference.
12. Additionally, I note that the additional evidence DG sought the adjournment to introduce did not pertain to the Landlord's claim for rent arrears, rather, it was a request to adjourn the hearing so the Tenant could raise their own issues under section 82 of the Act. It was not unreasonable for the presiding Member to deny the adjournment request on this basis.
13. As per Interpretation Guideline 1, parties should assume that the hearing will proceed on the date stated in the Notice of Hearing. This means that the parties should be prepared to present their evidence, call and question witnesses and make submissions. The Tenant chose not to attend the hearing in the event that DG's request for an adjournment was denied.
14. While DG states that this may have been his fault, the Tenant did not appear before the Board to explain why it is that they did not attend. The only evidence before the Board on this point is DG's vague assertion that it may have been his fault as he is unfamiliar with the process, which is, at best, hearsay evidence. There is insufficient evidence before the Board to determine why it was that the Tenant chose not to personally attend the hearing on January 22, 2026.
15. I am also not satisfied that the Tenant could not have attended the hearing to give direct evidence as to why they did not personally attend the hearing on January 22, 2026. DG's statements as to the Tenant's unavailability were vague and contradictory. He initially

stated that the Tenant had a family emergency and was travelling around China. However, when questioned on the specifics of the travel, he then stated the Tenant was currently in the north. Even if the Tenant is in the north end of China, it is unclear why this would somehow prevent the Tenant from calling or joining the virtual hearing. DG confirmed that he does not communicate directly with the Tenant but communicates through others that speak English. In my view, it's more likely that DG was advised that the Tenant is in China and he does not in fact know whether the Tenant has internet or cell phone reception to attend the hearing.

16. Even if I accept DG's statement at its highest, parties are presumed to be familiar with the Board's basic processes, such as requesting adjournments or rescheduling. Any party that has such a lack of familiarity with the Board's process that their ability to participate in the proceedings is impaired should obtain legal advice or representation. The Tenant's or DG's lack of familiarity with the Board's process is not an error.
17. For the foregoing reasons, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-095613-25 issued on February 3, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 12, 2026 is cancelled. The stay of order LTB-L-095613-25 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.