



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

Citation: Heffernan v vennare, 2026 ONLTB 24655

Date: 2026-03-23

File Number: LTB-T-073635-25-RV

In the matter of: House, 42 Smithfield drive House
Toronto ON M8Y3M2

Between: Martin Heffernan Tenant

And

Michael Vennare Landlord

Review Order

Martin Heffernan (the 'Tenant') applied for an order determining that michael vennare (the 'Landlord'):

- 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.

This application was resolved by order LTB-T-073635-25 issued on March 18, 2026.

On March 19, 2026, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant did not attend the adjudicative case conference on March 3, 2026 and as such their application was dismissed as abandoned. 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.
2. The Board's records reflect that the notice of hearing was sent to the Tenant. There is nothing in the review request that supports that the Tenant did not receive the notice of hearing. Instead, the Tenant says the following:

"My failure to attend the Adjudicative Case Conference on March 3, 2026 was not deliberate or intentional. It was an honest mistake that occurred during a period in which I was managing significant personal responsibilities, including caring for my

young son and addressing ongoing housing-related matters. I did not make a conscious decision to miss the proceeding, nor did I intend to abandon my application.

My conduct before and after the missed appearance demonstrates that I have remained actively engaged in this matter. I have invested time and effort into advancing my application, and this missed attendance was an isolated mistake, not a pattern of non-participation.

As soon as I became aware that I had missed the conference, I acted promptly. On March 8, 2026, I contacted the Board to request that the matter be rescheduled. This immediate action is inconsistent with any suggestion that I intended to abandon my claim and confirms that I took steps to correct the situation as soon as I became aware of the error.

There is also relevant surrounding context. The underlying tenancy matter has involved confusion and inconsistencies in documentation and communications between the parties, including issues relating to the preparation of the agreement. This contributed to an overall lack of clarity at the time. In that context, my absence was not willful, but occurred within a broader situation that was already unclear and actively being addressed.”

3. 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.
4. The Tenant has not provided sufficient information to support the review request. The Tenant’s review submissions are vague. The Tenant does not make clear why childcare responsibilities would cause them to miss the case conference. The case conference was virtual and could be called into remotely. Alternatively, the Tenant could have requested an adjournment if they had a childcare obligation that prevented them from attending the case conference, but the Tenant did not do so. The Tenant does not explain what their other ongoing personal responsibilities were or why they prevented them from attending the case conference. The Tenant also does not make clear what ongoing housing matters they were dealing with and why that prohibited them from attending the case conference. The Tenant says that the “underlying tenancy matter has involved confusion and inconsistencies in documentation and communications between the parties, including issues relating to the preparation of the agreement”. None of that explains why the Tenant could not attend the case conference.
5. The lack of a clear explanation for why the Tenant missed the case conference supports that a lack of diligence was the reason. The Divisional Court in *Q Res IV Operating GP Inc. v Berezovs’ka*, 2017 ONSC 5541 states at paragraph 8 that “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". That the Tenant filed a review request shortly after the order being issued does not address the underlying concern that the Tenant was not diligently in attending the case conference.

6. Both the Board and Landlord attended the case conference that was scheduled to address the Tenant's claim. The Tenant has provided insufficient information to provide an explanation for their absence, and I am not satisfied that the Tenant was diligent in dealing with the proceeding. As such the review request is denied.

It is ordered that:

1. The request to review order LTB-T-073635-25 issued on March 18, 2026 is denied. The order is confirmed and remains unchanged.

March 23, 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.