



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

Citation: Amos Apartments v Manning, 2026 ONLTB 26354

Date: 2026-03-26

File Number: LTB-L-097101-25-RV

In the matter of: 6, 8 AMOS AVE
WATERLOO ON N2L2W7

Between: Amos Apartments Landlord

And

Patrick Joseph Manning Tenant

Review Order

Amos Apartments (the 'Landlord') applied for an order to terminate the tenancy and evict Patrick Joseph Manning (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has willfully or negligently caused damage to the premises.

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

The Landlord also applied for an order requiring the Tenant to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

This application was resolved by order LTB-L-097101-25 issued on March 2, 2026.

On March 25, 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 hearing that occurred on February 19, 2026. The Tenant states the following in the review request:

2. 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 or that the order contains a serious error.
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 Board’s review process is a two-step process. At the preliminary stage the Board determines whether the order may contain a serious error or whether the requestor may not have been reasonably able to participate in the proceeding. At minimum to pass the first stage of the process parties need to make clear what their ground of review is or why they were unable to participate in the proceeding. I note that providing an explanation is not itself sufficient to pass the first stage of the process as there will still be an assessment of the potential merit of the claim, but an explanation is at the very least necessary.
5. The Tenant provides some background information about the proceedings but does not provide a clear explanation for why they did not attend the hearing. The Board’s records support that the notice of hearing was sent to the Tenant. The Tenant does not mention the notice of hearing in their request or state that they were unaware of the proceeding.
6. The Tenant has attached emails to the review request that they submit demonstrate that they had an agreement with the Landlord to resolve the matter. It’s unclear if the Tenant is saying that is why they did not attend the hearing, providing background information, or using it to support a request for relief from eviction. Regardless, the emails do not show that the parties had an agreement. The emails show that the parties were discussing a resolution but never formalized an agreement. On December 24, 2025, the Tenant says to the Landlord that they have a sticking point about the proposed terms. What the emails do demonstrate is that the Tenant was aware of the Landlord’s claim.
7. If the Tenant is claiming that they did not attend the hearing because they had an agreement with the Landlord, the Tenant’s own evidence does not support that. Additionally, it is incumbent on the Tenant to take reasonable steps to confirm that the matter has actually been resolved and that they do not need to attend the hearing. There is no suggestion in the review request that the Tenant did that. 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.

8. The Board's determinations were reasonable based on the evidence presented at the hearing. The submissions in the review request do not support that the order contains a serious error.
9. In the review request the Tenant asks that the termination of the tenancy be delayed until at least April 23, 2026. The Divisional Court affirmed at paragraph 27 in *So v. Canadian Mental Health Association, Toronto Branch*, 2024 ONSC 3371 (Div. Ct.) that the discretionary power to deny or delay an eviction pursuant to section 83(1) of the Act does not have a second, independent applicability at the review stage of the Board's process. The purpose of a review request is not to provide relief from eviction. The Board only reviews orders where there is a serious error or where a party was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-097101-25 issued on March 2, 2026 is denied. The order is confirmed and remains unchanged.

March 26, 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.