



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

File Number: LTB-L-066454-25-RV2

In the matter of: 102, 435 GREY ST
LONDON ON N6B1H2

Between: CAPREIT Limited Partnership Landlord

And

Crissinda Elizabeth Godmaire Tenant
James Martin Jamieson
Kandy Lee Riley

Review Order

CAPREIT Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Crissinda Elizabeth Godmaire, James Martin Jamieson and Kandy Lee Riley (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-066454-25 issued on October 21, 2025. The Tenant did not attend the hearing held on October 7, 2025.

On November 2, 2025, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

The first review request was resolved by order LTB-L-066454-25-RV issued on December 2, 2025. The Tenant did not attend the hearing held on November 27, 2025.

On February 12, 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 13, 2026, interim order LTB-L-066454-25-RV2-IN was issued, staying the order issued on December 2, 2025.

The second review request was heard by videoconference on March 19, 2026.

The Landlord's Legal Representative David Ciobotaru and the Tenants Crissinda Elizabeth Godmaire and James Martin Jamieson attended the hearing.

Determinations:

1. The Tenant, Crissinda Elizabeth Godmaire ('CG'), testified that she was unable to attend the hearing as she had an all-day chemotherapy treatment. CG found out about the appointment a week before the hearing and e-mailed both Capreit and the LTB but did not receive a response. CG first found out about her illness in August 2025; however, the doctors were unable to confirm a regular treatment schedule due to unforeseen complications. CG was unable to leave the treatment room at any point during the day and did not feel it was appropriate to call into the videoconference from the treatment room as it was designated as a "quiet room" and shared with other patients.
2. The Tenant, James Martin Jamieson ('JJ'), testified that he could not attend the hearing as he accompanied CG to her chemotherapy appointment. JJ does not own a cell phone. JJ confirmed that he was aware of the hearing and e-mailed Capreit that same morning. JJ explained that, even though Drake Property Management was now managing the property instead of Capreit, he was confused as to whom to contact since he still receives communications from both.
3. The Landlord's Representative submitted that it was unreasonable that JJ could not join the hearing even for a short time. The Representative submitted that the Tenants only being informed of the chemotherapy appointment one week in advance was not credible, as these appointments are scheduled months in advance.
4. In *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541, at paragraph 8, the Divisional Court found that "[l]ack of diligence in dealing with court proceedings is a reason for refusing to set aside an order where a party has failed to appear... 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. Despite the lack of documentary evidence, I accept the Tenants' testimonies regarding the chemotherapy appointment. I am satisfied that CG could not leave the treatment room all day and that JJ does not own a phone. However, this does not explain JJ's non-attendance at the hearing. JJ attended the chemotherapy appointment to support CG, not because he was required to participate in the treatment. CG did not state that she does not own a phone; rather, she indicated she did not feel it was appropriate to call into the hearing from the quiet treatment room shared with other patients. It was unclear why JJ could not step out of the treatment room for an hour to join the hearing room using CG's phone or even a pay phone or go to another location to use a computer to join the videoconference.
6. Moreover, this is the Tenants' second review request for the same exact reason. The Tenants missed two Board hearings due to chemotherapy appointments. I am mindful that such appointments are important. However, that does not mean the Tenants can ignore Board proceedings with the expectation that the hearings will keep being re-scheduled. There is no document in the Board's file showing that the Tenants requested to re-schedule the hearing or even informed the Board of their unavailability for the November 27, 2025, hearing. I am not satisfied that JJ's confusion regarding the management of the rental unit is sufficient justification for failing to obtain the Landlord's consent to re-

schedule the hearing. Even if JJ was confused, he could have contacted both Capreit and Drake Property Management. Parties are expected to attend hearings as scheduled if they do not receive a confirmation that the hearing was re-scheduled. I am not satisfied that the Tenants exercised due diligence to attend the hearing, request to re-schedule, or send an agent on their behalf.

7. Therefore, 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-066454-25 issued on December 2, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 13, 2026, is cancelled. The stay of order LTB-L-066454-25 is lifted immediately.

March 31, 2026
Date Issued

Kate Sinipostolova
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.