



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-076131-24

In the matter of: 712, 500 DAWES RD
EAST YORK ON M4B2G1

Between: Symphani BARCLAY Tenant

And

HAVCARE INVESTMENTS INC Landlord

Symphani BARCLAY (the 'Tenant') applied for an order determining that HAVCARE INVESTMENTS INC (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.
- failed to meet the Landlord's maintenance obligations under the Residential Tenancies Act, 2006 (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was heard by videoconference on March 9, 2026.

The Landlord's Agent Carolyn Krebs and the Tenant's Legal Representative Jimmy Gangadin attended the hearing.

As of 9:53, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing.

Determinations:

1. As of 9:53, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing prior to it commencing. The Tenant's Legal Representative advised that he had previously spoken to the Tenant a month and half before the hearing date, of which the Tenant was aware.
2. Accordingly, the matter was stood down to allow the Tenant's Legal Representative to contact the Tenant. Approximately a half hour later the Tenant's Legal Representative requested that the matter be recalled as he had been unsuccessful in contacting the Tenant after making multiple attempts.

3. The Tenant's Legal Representative subsequently requested an adjournment to allow the Tenant to participate and indicated that he was unable to proceed without the Tenant as he did not have direct knowledge of the allegations in the Application, which required direct testimony from the Tenant.
4. I am not satisfied that an adjournment is appropriate. Interpretation Guideline 1 States:

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.
5. While this guideline is not binding on me, I find no reason to deviate from it here. I am satisfied that the Tenant has received sufficient notice of the proceeding and has not attend to pursue their Application. The Tenant's Legal Representative was unable to offer an explanation for the Tenants failure to attend, beyond speculation, and the matter was stood down to allow them to contact the Tenant, which they did repeatedly. In spite of this the Tenant still has not attended the proceeding.
 6. Absent a clear explanation for the Tenants failure to attend, I am not satisfied that it is appropriate to adjourn the Application and note that the Board has a duty to be expeditious. I am not satisfied that it would be an expeditious use of the Boards time to adjourn the matter absent a clear justification for the Tenants failure to attend.
 7. As the Tenant's Legal Representative was retained to act on the Tenants behalf, I allowed them to proceed with the Application in the absence of the Tenant, however they indicated that they were unable to do so. Therefore, as the Tenant has not attended the Tenant's Application shall be dismissed.

It is ordered that:

1. The Tenant's Application is dismissed.

March 30, 2026

Date Issued

Reid Jackson

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.