



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

Citation: Faul v Wagler, 2026 ONLTB 32007

Date: 2026-04-24

File Number: LTB-L-098349-25-RV

In the matter of: Unit 2, 176 Huron St
New Hamburg ON N3A1J4

Between: Heidi M. Faul Landlord

and

Dave Wagler
Shawn Wagler Tenants

Review Order

Heidi M. Faul (the 'Landlord') applied for an order to terminate the tenancy and evict Dave Wagler and Shawn Wagler (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-098349-25 issued on February 13, 2026.

On February 27, 2026, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 3, 2026, interim order LTB-L-098349-25-RV-IN was issued, staying the order issued on February 13, 2026.

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

Only the Landlord and the Tenants' Support, Leah Connor, attended the hearing. I was satisfied that the Tenants had received the Notice of Hearing. Based on this, I proceeded to hear the review at 9:23am.

Determinations:

Adjournment Request

1. The Tenants' Support, Leah Connor ('LC'), is an eviction prevention worker. She attended the hearing to inform the Board that the Tenants were unable to attend the hearing and to seek an adjournment. She testified that the Tenants had been referred to her office last week by the local Legal Aid Clinic and since being in touch, the Tenant, Dave Wagler

('DW'), informed her that they are not able to attend the hearing as they do not have the technological resources to log into the hearing. She testified that DW has an injury, so he is unable to leave the house to access public WiFi and his son and co-tenant, Shawn Wagler ('SW') has a disability so he is also not able to attend.

2. After considering the parties' submissions, I denied the request for an adjournment. I am not satisfied that the request for an adjournment is made in good faith as I am not satisfied that the information provided by the Tenants to LC is credible. I say this because the information and testimony provided was fraught with contradictions. LC states that DW told her that they do not have a computer or a working phone to log into the hearing, but they were able to email this information to LC. When asked how DW was able to email LC, she suggested that he may have gone somewhere to access public WiFi, which directly contradicts her testimony that DW has an injury preventing him from being able to leave his house.
3. Additionally, the Landlord testified that she spoke with DW at the residential complex on April 12, just 4 days prior to the hearing. She testified that she was sitting outside at the complex when she spoke with him and he had a sore hand, which he has been complaining about for some time. It is unclear how a sore hand would prevent DW from leaving his house and there was no medical evidence before me to substantiate this claim. The Landlord also testified that SW does not have any disability which would impact his ability to attend the hearing and he, in fact, has been in the community actively seeking work.
4. For the foregoing reasons, the adjournment request was denied, and the review hearing proceeded.

The Review Request

5. The Since the Tenants did not attend the hearing to support their request for review, I find that the review request has been abandoned.

It is ordered that:

1. The request to review order LTB-L-098349-25 issued on February 13, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 3, 2026 is cancelled. The stay of order LTB-L-098349-25 is lifted immediately.

April 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.