



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

Citation: Khan v Centurion Properties Associates, 2026 ONLTB 30239

Date: 2026-04-22

File Number: LTB-T-044185-25-RV

In the matter of: 902A, 1 Columbia St W
Waterloo ON N2L0C8

Between: Asad Khan Tenant

And

Centurion Properties Associates Landlord

Review Order

Asad Khan (the 'Tenant') applied for an order determining that Centurion Properties Associates (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.
- withheld or interfered with their vital services or care services and meals in a care home.

This application was resolved by order LTB-T-044185-25 issued on February 25, 2026.

On February 28, 2026, the Tenant requested a review of the order. On March 2, 2026, interim order LTB-T-044185-25-RV-IN was issued directing the matter to a hearing.

This application was heard by videoconference on April 13, 2026. The Tenant attended the hearing. The Landlord's Legal Representative, Robert Rose, also attended the hearing.

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings or that the Tenant was not reasonably able to participate in the proceeding
2. The Tenant's request for review alleges that they were not reasonably able to participate in the original hearing of this application held on February 18, 2026. The matter was called at 9:30 a.m. and the Tenant was not present or represented; there was no request to adjourn the matter in the Board's records. The matter was heard, and Order LTB-T-044185-25 issued on February 25, 2026, dismissed the Tenant's application as abandoned.

3. The Tenant states that they had every intention of participating at the hearing. However, he had been out of the country in India during the time of the hearing. His oral testimony was that he had left Canada at the end of 2025 and had been ill off and on since arriving in India. At the time of the hearing, he had stomach upset, high fever, and had body aches. Because of the medications he took, he had fallen asleep and inadvertently missed the hearing. By the time the Tenant was able to join, at approximately 4:00 p.m., the hearing block had already been closed.
4. In support of the Tenant's submissions, the Tenant submitted an undated medical note from a physician and a prescription form, dated February 16, 2026. The prescription form noted the Tenant was suffering from moderate lower "back pain." The physician's medical note indicates that the Tenant was "...medically unfit due to illness from February 16, 2026, to February 20, 2026, including February 18, 2026 [the date of the hearing]. During this period, the patient was advised to rest and avoid attending appointments or hearings."
5. In cross-examination, the Tenant stated he was unclear about the types of medication he was taking, regardless he said these medications made him very drowsy. He also stated that he did set an alarm but did not wake up during the alarm.
6. On the basis of the submissions, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings and that the Tenant was not reasonably able to participate in the proceeding.
7. In *Sutherland v. Lamontagne*, [2008] O.J. No. 5763 (Ont. Div. Ct.) the tenant had dialled into the telephone hearing five minutes late and was not able to join the hearing. The Court held the tenant was not reasonably able to participate. Similarly, in *Decosse v. Isles of Innisfree Non-Profit Homes*, [2012] O.J. No. 964 (Ont. Div. Ct.) the tenant attended multiple hearing dates but on the final day arrived 20 minutes late and was not able to join the hearing. Again, the Court found they were not reasonably able to participate.
8. The Tenant does not dispute having received the Notice of Hearing, and states that he had been eagerly awaiting the hearing because it was very important. The Tenant acknowledges they had rental arrears and was counting on the hearing to potentially have a set-off to the arrears.
9. In *Wang v. Oloo*, 2023 ONSC 1028, ('*Wang*') the Divisional Court states that the doctor's note provided to the Board was (par.6) "...conclusory and did not explain the basis on which the doctor was of the view that Mr Oloo could not attend and participate in the hearing." The Divisional Court goes on to state that (par.10) "...a doctor's note must obtain sufficient information to enable the court or tribunal to exercise its own judgment as to whether the adjournment should be granted. This should, at a minimum, describe the diagnosis, the effect of the patient's condition on their ability to attend and participate in the hearing...."
10. In the matter before me, I find the doctor's note similarly provides "conclusory" information and does not state the basis on which the Tenant could not attend nor provide a diagnosis.

12. I also find the Tenant's oral testimony contradicts the documentary evidence he submitted. The Tenant's testimony was that he was suffering from what he believed was a virus, with body aches, fever, and upset stomach. However, the prescription form says he was suffering from moderate lower back pain and does not mention anything about a fever or other ailments. The doctor's note too, was called into question, because this was obtained after the hearing and is undated and does not contain the information as stated in *Wang* above, nor make any reference to a viral infection.
13. In *Q Res IV Operating GP Inc v. Berezovs'ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII), the Divisional Court affirmed a party to a Board application is required to exercise reasonable diligence to be aware of and to attend the scheduled Board hearing.
14. In keeping with the Divisional Court's decision in *Q Res IV Operating GP Inc*, I similarly find that it is more likely than not that the Tenant did not act with due diligence to ensure he was able to participate in the hearing of February 18, 2026. I say this because the Tenant's evidence was that he was sleeping due to the prescription medicine he was administered. However, the date he was seen for lower back pain was February 16, 2026. His testimony was that he filed the prescription and began taking these medications the same day. It does not accord then, that he would not have realized that the medication would make him sleepy, because he had already been taking the medication for two days.
15. Further still, the Tenant said that this his attendance was very important to him. The hearing time, in India, would have begun at approximately 7:30 p.m. according to the Tenant. Despite this, he took medication he knew or ought to have known would make him drowsy to the point he slept through an alarm.
16. The Divisional Court found in *Kizemchuk v 60 Montclair Limited*, 2024 ONSC 6140, found at par. 40:

“...there is a difference between being prevented from attending and failing to make reasonable efforts to attend. A party must demonstrate that they exercised diligence in their effort to attend the original hearing. If a party is not diligent in dealing with legal proceedings, they cannot expect the Board to hold a second hearing: *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 at para. 8.”
17. Accordingly, I conclude that the Tenant did not establish that they were not reasonably able to participate in the February 18, 2026, Board hearing. The Tenant's request to review the February 25, 2025, order shall therefore be denied.
18. This order contains all of the reasons within it. No further reasons shall issue.

It is ordered that:

1. The request to review order LTB-T-044185-25 issued on February 25, 2026, is denied. The order is confirmed and remains unchanged.

April 22, 2026
Date Issued

Jane Dean

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.