



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

Citation: 1762405 Ontario Ltd. v Brooks, 2026 ONLTB 27016

Date: 2026-03-30

File Number: LTB-L-071182-25-RV-AM

In the matter of: 204, 275 KING ST W
HAMILTON ON L8P1B2

Between: 1762405 Ontario Ltd. Landlord

And

Theodore Brooks Tenant

Amended Order

This order is made to correct clerical errors in the order issued March 30, 2026

1762405 Ontario Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Theodore Brooks (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 Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

1762405 Ontario Ltd. (the 'Landlord') also applied for an order requiring Theodore Brooks (the 'Tenant') to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

1762405 Ontario Ltd. (the 'Landlord') also applied for an order requiring Theodore Brooks (the 'Tenant') to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenant's conduct or that of another occupant of the rental unit or someone the Tenant permitted in the residential complex. This conduct substantially interfered with the Landlord's reasonable enjoyment of the residential complex or another lawful right, privilege or interest.

This application was resolved by order LTB-L-071182-25 issued on February 9, 2026.

On February 17, 2026, the Tenant requested a review of the order.

On February 18, 2026 interim order LTB-L-071182-25-RV-IN was issued, staying the order issued on February 9, 2026

This request for review was heard by videoconference on March 25, 2026.

The Tenant attended the hearing. The Landlord's agents Savan Chandaria and Wing Chu attended the hearing.

Determinations:

1. The Tenant requested a review of the order issued on February 9, 2026, alleging that he was not reasonably able to participate in the hearing.
2. 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 that was Tenant was not reasonably able to participate in the proceeding.
3. The hearing took place on December 11, 2025. The Board's records indicate that the Tenant attended the hearing but disconnected from the hearing room at 11:33 a.m. The matter proceeded uncontested at 1:05 p.m.
4. ~~The hearing for the application took place on December 11, 2025. The Board's records indicated the Tenant attended the hearing but disconnected from the hearing room at 11:33 AM. The matter was heard uncontested at 1:05 PM.~~
5. The Tenant submits that he left the hearing due to his grandmother's health issues and his partner's pregnancy. His grandmother passed away on December 13, 2025.
6. I accept that the Tenant was experiencing personal stress. However, these circumstances do not, on their own, establish that the Tenant was not reasonably able to participate in the hearing.
7. The hearing block was a moderated hearing block. The Tenant did not notify the moderator, the presiding Member, or the Landlord that he needed to leave due to an emergency.
8. The Tenant testified that he was overwhelmed and not in the proper headspace to continue. While I accept that the Tenant was under stress, the evidence does not establish that he was incapable of participating or of taking reasonable steps to ensure his participation.
9. I also note that the Tenant did not dispute the Landlord's account of the timeline, including that he left shortly after a private discussion between the parties and after the Landlord declined to proceed with mediation.
10. In *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 (Div. Ct.), the Divisional Court affirmed that a party must exercise appropriate diligence to be aware of and to attend a Board proceeding. This includes remaining present and available to participate when the matter is called.

11. I find that the Tenant failed to exercise the level of diligence contemplated in that decision. A reasonable person in the Tenant's circumstances would have requested an adjournment or, at a minimum, advised the moderator or adjudicator of the need to leave. The Tenant took none of these steps and instead chose to leave the hearing without notice.
12. Accordingly, I am not satisfied that the Tenant was not reasonably able to participate in the hearing on December 11, 2025, or that there is any serious error in the order or proceedings. The request to review is therefore denied.

It is ordered that:

1. The request to review order LTB-L-071182-25 issued on February 9, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 18, 2026, is cancelled. The stay of order LTB-L-071182-25 is lifted immediately.

March 30, 2026

Date Issued

Bryan Delorenzi

Member, Landlord and Tenant Board

April 22, 2026

Date Amended

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.