



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

Citation: Ifeanyl-Aguozor v Chung Wu, 2026 ONLTB 33870

Date: 2026-04-28

File Number: LTB-T-008274-24-RV

In the matter of: 2, 180 Ardagh Road South
Barrie ON L4N3V6

Between: Uche Ifeanyl-Aguozor Tenant

And

Xiong Chung Wu Landlords
Royal York Property Management

Review Order

Uche Ifeanyl-Aguozor (the 'Tenant'), applied for an order to determine that Xiong Chung Wu and Royal York Property Management (the 'Landlords') have collected or retained money illegally.

This application was resolved by order LTB-T-008274-24 issued on November 25, 2025.

On December 19, 2025, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On December 19, 2025, interim order LTB-T-008274-24-RV-IN was issued, staying the order issued on November 25, 2025.

This application was heard by videoconference on January 19, 2026.

The Landlord's Arif Zukiq, the Landlord's Legal Representative Brittany-Rose Ward, the Tenant and the Tenant's Legal Representative Joan Henderson attended the hearing.

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding.
2. The Tenant testified that on November 1, 2025, hearing date, she had received correspondence with respect to her work permit expiring and testified that she had to address this issue first and foremost in order to remain in Canada.

3. The Tenant testified that when she logged in the morning of the hearing, the Tenant's daughter had a medical incident that required her to bring her to the hospital. Documents supporting this emergency medical visit were provided in evidence.
4. The Tenant testified that she did not take her daughter to the hospital right away and that when she had regained consciousness, she had provided her some food and began to monitor her condition, as the Tenant is a nurse.
5. The Tenant testified that by the time they had finished monitoring their daughter that they had logged back into the videoconference and had learned that this application had been called and dismissed as abandoned.
6. In cross-examination, the Tenant was asked about her Request to Review. In the Tenant's request, the Tenant states that "the Tenant was unsure of the scheduled hearing date and time and planned to check in the morning on November 17, 2025, to confirm the date and time".
7. The request goes on to state, "Before she could do this, on the morning of November 17, 2025, at approximately 7:45 am, the Tenant's 12-year-old daughter experiences a medical emergency and lost consciousness in the bathroom".
8. The Tenant was asked if she had set any reminders with respect to the hearing, to which she replied that she knew the hearing was November 17, 2025, and the correct time to log into the hearing.
9. When asked about this discrepancy, the Tenant replied that she also had another hearing scheduled for November 19, 2025, and that she just needed to confirm which application was scheduled for November 17, 2025.
10. The Tenant was further queried about her daughter's incident. The Tenant testified that she decided not to take her daughter to the hospital and to just "monitor" her situation. The Tenant agreed that as a nurse she had dealt with similar situations in her work life and agreed that she had "monitored" multiple patients with similar symptoms many times.
11. The Tenant also testified that she did not contact anyone else to assist her with the issue of her daughter or the hearing and logged back into the videoconference in and around noon where she was told her matter had already been addressed. The Tenant was asked why she was unable to contact anyone while monitoring her daughter, to which she replied that she logged back into the videoconference once she felt her daughter was stable but had agreed that at no time did she feel her daughter warranted a hospital visit within that period.
12. The Landlord's Legal Representative referenced *Bell v. Peel Living*, [2005] O.J. No. 6361 (Div. Ct.), which states that when a tenant was too ill to attend a hearing, the court found that there had been a "serious error" in the proceeding. However, the court in *Bell* also recognized that a review request alleging such circumstances may still be scrutinized.
13. Looking at the hospital documents provided by the Tenant, the date of November 17, 2025, is indicated however, the documents provided no insight as to the time she was admitted and what the issues may have been that led to her becoming unconscious.

14. The Landlord's Legal Representative also referenced LTB-T-001745-25-RV, where the Board had denied a tenant's request to review where the tenant alleged that they were unable to locate the time of the hearing and also blamed family-related stressors for not attending the hearing.
15. In denying that review, Vice-Chair Cho referenced paragraph 11(b) of the Divisional Court case of *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807 (Div. Ct.) which states: "the tenant's internal thought processes are not relevant to an issue before this court. Procedural fairness is assessed on an objective standard". The Court continued, writing: "The subjective state of mind of the appellant would matter only in this analysis if there was evidence that he was incapable of participating in the hearing (by reasons of factors such as (without limitations) illness, disability or language barrier)."
16. Guideline 8 of the Board's *Interpretation Guidelines* states: The LTB will refuse requests where the requestor's absence was the result of negligence or it finds no reasonable explanation for the failure to attend. [1474367 Ontario Inc. v. Millien](#), 2011 ONSC 1563; [TSL-67802-15-RV\(Re\)](#), 2016 CanLII 1738 (ON LTB); [NOL-08906-12-RV \(Re\)](#), 2012 CanLII 59993 (ON LTB); [TNL-19146-11-RV \(Re\)](#), 2011 CanLII 71522 (ON LTB).
17. The Landlord's Legal Representative is correct, the Tenant's testimony at the review hearing contradicted her own filed Request to Review. I also find the Tenant's explanation of what happened confusing.
18. While I can appreciate that the Tenant may have distressed by the immigration correspondence she had received, I find the explanation that she had "planned to check first thing in the morning on November 17, 2025, to confirm the date and time" to be unreasonable in the circumstances. There was no reasonable explanation as to why the Tenant would check for these details the morning of her hearing, when she knew or ought to have known that she also had a hearing on November 19, 2025. It is clear that the Tenant was cognizant of these hearings yet waited until the last minute to confirm important details like the dates and times of these hearings.
19. Further, the Tenant's explanation with respect to these issues with her daughter is confusing. The Tenant's daughter had an incident. The Tenant then "monitored" her daughter for 2-3 hours before contacting the Board. The Tenant's daughter was more likely than not taken to the hospital after the Tenant had inquired about the hearing.
20. I find there to be no reasonable explanation as to why the Tenant could not have contacted someone while also simultaneously monitoring daughter, a routine she testified to having done often as a nurse. That said, I am not making a finding that the Tenant's diligence should have been heightened as a result of that, more so that the explanation to simply "monitor" her daughter for hours before doing anything without any details leaves me to conclude that the Tenant could have called into the hearing, or at the very least called the Landlord or their Legal Representative.
21. Having concluded that the Tenant was reasonably able to participate in the November 17, 2025, hearing, the Tenant's Request to Review is denied.

It is ordered that:

1. The request to review order LTB-T-008274-24 issued on November 25, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on December 19, 2025, is cancelled. The stay of order LTB-T-008274-24 is lifted immediately.

April 28, 2026
Date Issued

Jagger Benham
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.