



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

Citation: Seeburger v Alexandros, 2026 ONLTB 33947

Date: 2026-04-28

File Number: LTB-L-062423-25-RV

In the matter of: 318 CATSFOOT WALK
OTTAWA ON K2J7G9

Between: Jacqueline Seeburger Landlords
MATTHEW SEEBURGER

And

Evangelos Bill Alexandros Tenants
Cody James Pitman

Review Order

Jacqueline Seeburger and MATTHEW SEEBURGER (the 'Landlords') applied for an order to terminate the tenancy and evict Evangelos Bill Alexandros and Cody James Pitman (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-062423-25 issued on December 16, 2025.

On December 22, 2025, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On December 22, 2025, interim order LTB-L-062423-25-RV-IN was issued, staying the order issued on December 16, 2025.

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

The Landlords, the Landlords' Legal Representative Ian Shemesh and the Tenant Evangelos Bill Alexandros (the 'Tenant') attended the hearing.

Determinations:

1. The Landlords' application had initially been scheduled for a hearing on September 22, 2025. On that date, the application was unable to be heard due to scheduling overflow, and the matter was adjourned to December 2, 2025. The adjournment sheet from the September 22, 2025, states that the Tenant agreed to provide his unavailable dates to the Board within 48 hours.

2. The Tenant did not attend the December 2, 2025, hearing date. The Tenant filed a Request to Review and, in the request, outlined that he had e-mailed the Board on September 23, 2025, to advise of his available dates, which did not include December 2, 2025.
3. Despite this, on September 26, 2025, the Tenant received a Notice of Hearing for December 2, 2025, which he acknowledged he had received. The Tenant testified that due to his busy work schedule, he was unable to follow up with the Board and the hearing took place on December 2, 2025.
4. I note that the Tenant was e-mailed the Notice of Hearing on September 23, 2025, at 8:23 pm, within 48 hours of the September 22, 2025, hearing date. I further note that the Tenant's e-mail of his unavailable dates is not in the Tribunals Ontario Portal and were provided as part of his Request to Review.
5. The e-mail sent to the parties by the Board with the December 2, 2025, Notice of Hearing was sent at 1:27 pm, before the Board received the Tenants' unavailable dates.
6. That said, the Tenant's position was that he was too busy to contact the Board or the Landlord about the discrepancy and waited until he had received the order when it was issued on December 16, 2025, to Request a Review of the application.
7. Guideline 8 of the Board's *Interpretation Guidelines* states that 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).
8. Paragraph 11(b) of the Divisional Court case of *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807 (Div. Ct.) 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).*"
9. The Tenant knew that the Board had scheduled a hearing on a date that he was unavailable from at least September 23, 2026, until the date of the hearing which was a total of 70 days to advise the Board, or at the very least the Landlord with respect to the error.
10. To simply rely on the assertion that he was too busy to address the issue despite having knowledge of same in my view, is unreasonable. The Tenant knew or ought to have known that he was unavailable the date of the hearing and should have taken steps to address same, despite the Board's error of scheduling the hearing before receiving his unavailable dates.
11. As such, 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 and the Tenant's Request to Review is denied.

It is ordered that:

1. The request to review order LTB-L-062423-25 issued on December 16, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on December 22, 2025, is cancelled. The stay of order LTB-L-062423-25 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.