



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

File Number: LTB-T-084615-25-RV

In the matter of: 1063, 100 Mornelle Court
Toronto Ontario M1E4X2

Between: Abdullah Qaid Abdo Ali Tenant

And

FG Capital LTD Landlord

And

Colleen Shi Landlord's Agent

Review Order

Abdullah Qaid Abdo Ali (the 'Tenant') applied for an order determining that FG Capital LTD (the 'Landlord') and Colleen Shi (the 'Landlord's Agent') collected or retained money illegally.

This application was resolved by order LTB-T-084615-25 issued on February 11, 2026. A hearing of the Tenant's application was heard on February 5, 2026. Only the Tenant attended the hearing. The Landlord or the Landlord's agent was not present or represented at the hearing.

On March 6, 2026, the Landlord requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 9, 2026, interim order LTB-T-084615-25-RV-IN was issued, staying the order issued on February 11, 2026.

This application was heard by videoconference on April 23, 2026.

The Landlord's agent, Colleen Shi (Ms. Shi), and the Tenant attended the hearing.

Determinations:

The Review Request:

1. The Landlord requests a review on the basis that it was not reasonably able to participate in the hearing on February 5, 2026. The Landlord relies on the personal circumstances of Fei Gao, who is the owner of the Landlord company, and on a medical note dated March 18, 2026.

2. Fei Gao's assistant, Ms. Shi gave the evidence at the hearing. She stated that Landlord received the Notice of the Hearing, but Mr. Gao had serious personal and medical circumstances around the time of the hearing and was not able to attend the February 5, 2026's hearing himself. However, the issue before me is not simply whether Mr. Gao had personal or medical difficulties. The issue is whether the Landlord has established, on a balance of probabilities, that it was not reasonably able to participate in the February 5, 2026, hearing.
3. I find that the Landlord has not met that burden. The evidence was that Mr. Gao was aware of the hearing but did not attend. The evidence was also that Ms. Shi, who attended the review hearing on behalf of the Landlord, did not attend the February 5, 2026, hearing to request an adjournment. The Landlord did not send any other person to attend the hearing or request an adjournment on its behalf.
4. In *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541, the Divisional Court confirmed that lack of diligence in dealing with legal proceedings is a reason for refusing to set aside an order where a party has failed to appear. The Court also stated that parties who are not diligent in dealing with legal proceedings cannot demand that a tribunal use its resources to rehear a matter a second time.
5. I find that principle applies here. The Landlord is a corporate landlord. Even if Mr. Gao was personally unable to attend the hearing, the Landlord was required to take reasonable steps to protect its interests in the proceeding. Those steps could have included arranging for Ms. Shi, another employee, or another representative to attend the hearing to request an adjournment. No such steps were taken.
6. I have also considered the medical note submitted by the Landlord. The note states that Mr. Gao missed the February 5, 2026, hearing due to medical reasons and asks that appropriate accommodations be provided as necessary. The note does not provide a diagnosis. It does not explain how Mr. Gao's medical condition affected his ability to attend or participate in the hearing by telephone or video conference. It also does not state when Mr. Gao would be well enough to attend a hearing.
7. In *Wang v. Oloo*, 2023 ONSC 1028, the Divisional Court addressed the adequacy of medical evidence relied on to explain nonattendance at an LTB hearing. The Court stated that a doctor's note must contain sufficient information to allow the Board to exercise its own judgment. At a minimum, the note should address the diagnosis, the effect of the condition on the party's ability to attend and participate, and when the party will be well enough to attend.
8. The medical note before me does not contain that information. It is conclusory. It confirms that Mr. Gao missed the hearing for medical reasons, but it does not provide enough detail for me to determine that he was unable to participate in the hearing or unable to arrange for someone else to attend on behalf of the Landlord. The note was also prepared on March 18, 2026, more than one month after the hearing. It does not explain Mr. Gao's condition on February 5, 2026, in a way that allows me to conclude that the Landlord was prevented from participating.
9. Ms. Shi also referred to Mr. Gao's travel to China, the death of his grandfather, and related family responsibilities. I accept that these circumstances may have been difficult.

However, the evidence was that Mr. Gao returned to Canada in October 2025. The hearing took place on February 5, 2026. The evidence does not establish that those circumstances prevented the Landlord from attending the hearing, requesting an adjournment, or arranging for a representative to attend.

10. On the evidence before me, I find that the Landlord's failure to attend the February 5, 2026, hearing resulted from a lack of diligence in dealing with the proceeding. The Landlord had notice of the hearing and did not take reasonable steps to attend, request an adjournment, or arrange for another person to attend on its behalf.
11. Applying *Berezovs'ka* and *Wang v. Oloo*, I find that the Landlord has not established that it was not reasonably able to participate in the February 5, 2026, hearing.
12. The request to review is denied.

It is ordered that:

1. The request to review order LTB-T-084615-25 issued on February 11, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 9, 2026, is cancelled. The stay of order LTB-T-084615-25 is lifted immediately.

April 29, 2026
Date Issued

Joy Xiao
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.