



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

Citation: Almada Paniagua v , 2026 ONLTB 33769

Date: 2026-05-01

File Number: LTB-T-092649-24-RV

In the matter of: 506, 3 Gloucester St.
Toronto ON M4Y0C6

Between: Andrea Vianey Almada Paniagua Tenant

And

Sky Group Residence Landlord

Review Order

Andrea Vianey Almada Paniagua (the 'Tenant') applied for an order determining that Sky Group Residence (the 'Landlord') collected or retained money illegally.

This application was resolved by order LTB-T-092649-24 issued on February 6, 2026.

On March 4, 2026, the Landlord's Representative requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 5, 2026 interim order LTB-T-092649-24-RV-IN was issued, staying the order issued on February 6, 2026

The review request was heard by videoconference on April 21, 2026.

The Landlord's legal representative, N. Ahmed, and the Tenant attended the hearing. J. Duckworth was also present as the Tenant's interpreter.

Determinations:

1. For the reasons that follow, I am not satisfied that the Landlord was not reasonably able to participate in the January 29, 2026 proceeding. Accordingly, the Landlord's request to review is denied.
2. There is no dispute that the Landlord received a copy of the Notice of hearing and was aware of the hearing's scheduled date and time. The Landlord's representative submits that the Landlord's agent, Busra Arsalan (BA), oversees the Landlord's financial department and was required to attend the January 29, 2026 hearing.

3. The Landlord's representative submits that BA became ill, which affected her ability to attend the hearing. The Landlord's representative submitted medical documentation (evidence ID 7502703) in support of BA's medical condition. The medical documents include laboratory reports such as culture results and blood work. A Lifelabs report indicates that BA's symptoms are consistent with bowel disease; however, the documents do not address BA's inability to attend the hearing on the scheduled date.
4. When questioned on how BA's medical condition prevented her from attending the hearing, the Landlord's representative stated that BA did not feel well and therefore did not attend. The representative further stated that BA failed to inform the Landlord in advance that she would not be attending the hearing.
5. While the evidence suggests that BA was unwell, there is no direct evidence explaining how her condition rendered her unable to attend the hearing. In the absence of direct testimony from BA, the Landlord's evidence is based on hearsay. Although it may be inferred that, if BA was sufficiently ill to miss the hearing, she may also have been unable to attend work that day, there is no evidence that the Landlord made any inquiries or took steps to confirm her availability. In these circumstances, the Landlord ought reasonably to have been aware that BA would not attend the scheduled hearing; however, no steps were taken to address her absence or seek an adjournment.
6. The Divisional Court has affirmed that even in the case where a party has provided a medical note to support their position that they were not able to participate in the proceeding, the note must contain sufficient information for the tribunal to determine whether the party can participate (*Wang v. Oloo*, 2023 ONSC 1028 CanLII (Div. Ct.)).
7. The documents filed by the Landlord's representative consist of laboratory reports and do not provide sufficient information to establish that BA was not reasonably able to participate in the proceeding.
8. Based on the limited evidence before me, on a balance of probabilities, I am not satisfied that the Landlord was unable to reasonably participate in the proceeding.
9. The Landlord also alleges that the order contains a serious error with respect to the claims made by the Tenant with respect to the date she moved into the unit and when the LMR was returned to her.
10. Interpretation Guideline 8: Review of an Order states that, a request to review based on an alleged error of fact must include specific details of the alleged error and explain how a different finding of fact would change the result. The LTB must be satisfied that there appears to be no rational connection between the findings of fact and the evidence in the original hearing.
11. In this case, the Landlord's representative attempts to introduce evidence that could have been presented at the hearing. The Landlord was not present and, therefore, the Member issued the order on the basis of the Tenant's testimony, as there was no additional evidence before him.

12. The opportunity to raise all issues was at the hearing stage not at the review stage of the proceedings. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better outcome.
13. As such, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings. Therefore, the request for review must be dismissed.

It is ordered that:

1. The request to review order LTB-T-092649-24 issued on February 6, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 5, 2026 is cancelled. The stay of order LTB-T-092649-24 is lifted immediately.

May 1, 2026
Date Issued

Mayra Sawicki
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.