



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

File Number: LTB-T-062270-24-RV

In the matter of: Unit 8, 688 Exeter Road
London ON N6E1L2

Between: Shonett Sutton Tenant

And

11906496 Canada Inc. Landlord

Review Order

Shonett Sutton (the 'Tenant') applied for an order determining that 11906496 Canada Inc. (the 'Landlord') failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was resolved by order LTB-T-062270-24 issued on December 5, 2025. A hearing of Tenant's T6 application was heard on October 7, 2025. Only the Tenant attended the hearing. The Landlord was not present or represented at the hearing.

On December 30, 2025, 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 11, 2026, interim order LTB-T-062270-24-RV-IN was issued, staying the order issued on December 5, 2025.

This application was heard by videoconference on April 27, 2026. The Landlord's agent, Kulvinder Singh (Mr. Singh), and the Tenant attended the hearing.

Determinations:

The review Request:

1. The Landlord requests a review on the basis that the Landlord was not reasonably able to participate in the hearing on October 7, 2025.
2. Mr. Singh stated that he is the owner of the property and the owner of the Landlord corporation. He testified that he received the notice of hearing. He stated that he did not attend the hearing because he played basketball the night before and injured his leg. He testified that he was experiencing sharp pain in his leg on the morning of the hearing and was resting because of the pain. Mr. Singh stated that he did not go to the hospital. He testified that he later saw a physiotherapist, who gave him treatment and advised him to do

exercises and wait. Mr. Singh did not provide medical documentation or other supporting evidence about the injury.

3. Mr. Singh testified that the pain caused the hearing to slip his mind. He stated that he did not intend to miss the hearing. He acknowledged that he did not contact the Board on October 7, 2025, to request an adjournment. He also acknowledged that he did not ask anyone from the Landlord corporation to attend the hearing on his behalf after he was injured. He stated that he was the person responsible for handling the matter and that others in the company believed he would attend the hearing. Mr. Singh also stated that he had asked whether his property manager could handle the hearing, but by the time consent was obtained, the hearing had already passed.
4. Based on the evidence before me, I am not satisfied that the Landlord was not reasonably able to participate in the October 7, 2025, hearing.
5. I accept that Mr. Singh may have been experiencing leg pain on October 7, 2025. However, the issue before me is not simply whether Mr. Singh was in pain. The issue is whether the Landlord has established, on a balance of probabilities, that it was not reasonably able to participate in the hearing. I find that the Landlord has not met that burden.
6. I have considered *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541. In that decision, the Divisional Court held that lack of due diligence in dealing with court proceedings is a reason for refusing to set aside an order where a party has failed to appear. The Court found that it was not an error in law for the Review Board to find that lack of diligence was a reason not to grant a rehearing.
7. I find that principle applies here. The Landlord received notice of the hearing. Mr. Singh did not attend, did not contact the Board, did not provide medical evidence explaining why attendance was not possible, and did not arrange for another person to attend on his behalf. On the evidence before me, the Landlord's failure to attend resulted from a lack of diligence in dealing with the proceeding, not from circumstances that prevented participation.
8. Applying *Berezovs'ka*, I find that the Landlord has not demonstrated that it was not reasonably able to participate in the October 7, 2025, hearing. Their absence is attributable to a lack of due diligence, and the request to review is therefore denied.

It is ordered that:

1. The request to review order LTB-T-062270-24 issued on December 5, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 11, 2026, is cancelled. The stay of order LTB-T-062270-24 is lifted immediately.

May 1, 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.