



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

File Number: LTB-L-105534-25-RV

In the matter of: 2916, 7895 JANE ST
Vaughan ON L4K2M7

Between: Christopher Goncalves Landlord
Sandra Goncalves
Diana Mallia
Giorgio Mallia

And

Uche Aniugwu Tenant

Review Order

Christopher Goncalves, Sandra Goncalves, Diana Mallia and Giorgio Mallia (the 'Landlord') applied for an order to terminate the tenancy and evict Uche Aniugwu (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The application was heard by videoconference on February 10, 2026. Only the Landlord attended the hearing, and the Tenant did not attend. This application was resolved by order LTB-L-105534-25 issued on February 24, 2026.

On March 9, 2026, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 10, 2026, interim order LTB-L-105534-25-RV-IN was issued, staying the order issued on February 24, 2026.

This application was heard by videoconference on April 27, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. The Tenant requests a review on the basis that he was not reasonably able to participate in the February 10, 2026, hearing.
2. The Tenant testified that he received the Board's email about the Notice of the hearing. He apologized for missing the hearing and stated that he was dealing with personal and family stress at the time, including his father's cancer, family responsibilities, and work-related stress. The Tenant stated that it was not his intention to miss the hearing and that he

wanted an opportunity to explain himself and provide evidence that was not considered at the original hearing.

3. I accept that the Tenant was dealing with difficult personal circumstances around the time of the hearing. However, the issue before me is not simply whether the Tenant was experiencing stress or family difficulties. The issue is whether the Tenant has established, on a balance of probabilities, that he was not reasonably able to participate in the February 10, 2026, hearing. I find that the Tenant has not met that burden.
4. The Tenant received notice of the hearing. When asked why he did not attend, the Tenant stated that he was dealing with personal issues and work stress. He also referred to his father's medical condition and messages with his sister. However, when asked whether he had evidence specifically relating to February 10, 2026, the Tenant stated that he did not have documents for that date.
5. I have considered *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541. In that decision, 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 if parties are not diligent in dealing with legal proceedings, they cannot demand that a tribunal use its resources to rehear matters a second time, as doing so would undermine the ability of the administration of justice to deliver timely, cost effective, and final orders.
6. I find that principle applies here. The Tenant had notice of the hearing and did not attend. The Tenant did not provide persuasive evidence that he was prevented from attending or participating in the hearing. The evidence before me supports a finding that the Tenant missed the hearing because of stress, personal circumstances, and lack of diligence in managing the hearing date. Those circumstances do not establish that he was not reasonably able to participate.
7. 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. Her absence is attributable to a lack of due diligence, and the request to review is therefore denied.

Lifting the Stay:

8. The Tenant requested one month to move if the request to review was denied. He stated that the eviction process has been difficult and that he needs time to find another place. The Tenant also acknowledged that he has not paid rent for March or April 2026.
9. The Landlord requested that the stay be lifted immediately. The Landlord submitted that the ongoing delay has caused financial hardship. The Landlord stated that no rent has been received since the L1 application was filed and that the arrears are \$12,186.00.
10. I have considered the Tenant's request for additional time. I have also considered the Landlord's evidence concerning the ongoing arrears and financial prejudice. In these circumstances, I am not satisfied that it would be fair to delay lifting the stay. The stay of the order is lifted immediately.

It is ordered that:

1. The request to review order LTB-L-105534-25 issued on February 24, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 10, 2026, is cancelled. The stay of order LTB-L-105534-25 is lifted immediately.

May 5, 2026
Date Issued

Joy Xiao
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.