



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

File Number: LTB-L-103885-25-RV

In the matter of: Main Floor, 841 Langlois
Windsor ON N9A2G9

Between: Felicia Bleary Landlord

And

Colin Quinn Kilroy Tenant
Abigail Hargraves

Review Order

Felicia Bleary (the 'Landlord') applied for an order to terminate the tenancy and evict Colin Quinn Kilroy and Abigail Hargraves (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-103885-25 issued on February 25, 2026.

On February 25, 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 February 26, 2026 interim order LTB-L-103885-25-RV-IN was issued, staying the order issued on February 25, 2026

This application was heard by videoconference on April 8, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. Based on all of the evidence before the Board I am not satisfied the Tenants were not reasonably able to participate in the hearing of February 23, 2026.
2. At the hearing the Tenant Colin Quinn Kilroy initially testified that he missed the original hearing because he had been in rehabilitation from December 12, 2025, to January 17, 2026 and was not able to attend the hearing on February 23, 2026. He testified that he arranged to have a friend attend on his behalf, but they were unable to join the hearing room.
3. When I raised that the hearing had been held on February 23, 2026, approximately one month after the Tenant was released from rehabilitation the Tenant initially suggested that the date of the hearing must have been wrong.

4. After the proceeding was stood down the Tenant revised his testimony and clarified that he had confused the hearing in this matter with another hearing held on December 17, 2025. He indicated that he had not been aware of the original hearing on February 23, 2026 because he had missed the notice of hearing in his email. He testified that he did not have access to his email when he was in the rehabilitation facility and must have missed the email when he checked his email upon exiting the facility. He testified that he recalled going back over his emails and was not sure why he missed the notice of hearing.
5. The Tenant Colin Quinn Kilroy was not aware why the Tenant Abigail Hargraves had not attended the hearing.
6. 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.
7. The Board's records show the notice of hearing was emailed to the Tenant Colin Quinn Kilroy on December 15, 2025. It was also mailed to both Tenants at the rental unit on January 28, 2026. The hearing was held on February 23, 2026. The order was issued and mailed to the Tenants on February 26, 2026.
8. While I am prepared to accept that the Tenant Colin Quinn Kilroy was in rehabilitation from December 12, 2025 to January 17, 2026 and am prepared to accept that he did not have access to his email at that time, I note that it was his own evidence that the notice of hearing was received and overlooked after he exited the facility, not that the notice of hearing was not received.
9. I accepted that the Tenant Colin Quinn Kilroy has some level of familiarity with the process of applications to the Board based on his testimony of securing a friend to appear on his behalf, and given that there were arrears owing I find they knew or ought to have known it was likely a notice of hearing would be issued and in their mail or email. I am also satisfied that one month is an adequate amount of time for him to review any emails received while in rehabilitation to determine if any important or time sensitive communications had been received.
10. Additionally, while the Tenants had vacated the rental unit by January 28, 2026 and would likely not have received the notice of hearing sent by mail, I would still expect them to do reasonable due diligence to set up mail forwarding, or a similar service to ensure that mail was received, and note that no explanation was provided for why the Tenant Abigail Hargraves was unable to attend the hearing.
11. In other words, I am satisfied that the Tenants missed the hearing because of their own lack of due diligence. That is not the same thing as not being reasonably able to participate. (See: *Khani v. Zhang*, 2019 ONSC 1362 (Div. Ct.), and *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 (Div. Ct.).)
12. So based on all of the evidence before the Board I am not satisfied the Tenants were not reasonably able to participate in the hearing of February 23, 2026.
13. The Tenant sought a delay of the lifting of the stay, he testified he was not sure how long a delay he was seeking as he wanted to avoid paying the arrears as he vacated earlier than indicated by the Landlord.

14. The Landlord testified that the unit was occupied for several months without payment made and sought an immediately lifting of the stay.
15. In consideration of the quantum of arrears owing, and the date of this order I am satisfied that an immediate lifting of the stay is appropriate.

It is ordered that:

1. The request to review order LTB-L-103885-25 issued on February 25, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 26, 2026 is cancelled. The stay of order LTB-L-103885-25 is lifted immediately

May 13, 2026
Date Issued

Reid Jackson
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.