



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

Citation: Greater Sudbury Housing Corporation v Cracknell, 2026 ONLTB 38463

Date: 2026-05-15

File Number: LTB-L-095479-25-RV

In the matter of: 107, 744 BRUCE AVE
SUDBURY ON P3C5H5

Between: Greater Sudbury Housing Corporation Landlord

And

Solange Cracknell Tenant

Review Order

Greater Sudbury Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Solange Cracknell (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-095479-25 issued on February 6, 2026. Only the Landlord attended the hearing.

On March 18, 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 19, 2026 interim order LTB-L-095479-25-RV-IN was issued, staying the order issued on February 6, 2026.

This request to review was heard by videoconference on May 11, 2026.

The Landlord's Agent, Marcelle Dubois, and the Tenant attended the hearing.

Determinations:

1. On the basis of the submissions before the Board, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding or there is a serious error in the order issued on February 6, 2026. Accordingly, the Tenant's request for review must be denied.
2. The Tenant does not dispute she received the Notice of Hearing for the January 28, 2026 Board hearing. The Tenant testified that she wrote down the wrong date on her hardcopy calendar and electronic calendar on her phone.
3. The Tenant testified that she thought the hearing was on January 29, 2026 and only realized the error when she located the paperwork in the afternoon on January 29, 2026.

4. The Tenant testified that she had no access to a phone or internet and had planned to go to her friend's house to use their laptop to access the hearing.
5. The Landlord opposed the Tenant's request to review submitting that the Landlord served the Notice of Hearing and the L1/L9 Application Information Update form to the Tenant via the mailbox on October 21, 2026 and that the Tenant ought to have been aware of the hearing.
6. In *Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 CanLII (Div. Ct.), at para. 8, the Court noted that:

If parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders.

7. The Tenant acknowledged receiving the Notice of Hearing. The Tenant did not submit into evidence a copy of either of her calendars with the incorrect date diarized.
8. Even if I accept that the Tenant incorrectly diarized the hearing date as January 29, 2026, I would expect the Tenant to provide evidence that she called into the Board on January 29, 2026 to join the hearing she believed was scheduled for January 29, 2026 or show efforts that she had made arrangements with her friend to secure a device to join the hearing. The Tenant provided no evidence to support the proposition that she thought the hearing was on January 29, 2026 and made efforts to attend the hearing.
9. I also find it questionable that the Tenant waited until March 18, 2026 after receiving the Sheriff's notice to file the review request when the Tenant confirmed that she found on the paperwork in the afternoon on January 29, 2026 and was aware at that point that she missed the hearing on January 28, 2026. The order was issued on February 6, 2026.
10. Based on the above, I do not find that the Tenant exercised due diligence to ensure her participation in the proceeding. As such and for the reasons above, the request to review based on the Tenant's allegation that she was not reasonably able to participate in the hearing is denied.
11. On the request to review and at the hearing, the Tenant also took issue with the rent amount charged by the Landlord. As I informed the parties at the hearing, the Board has no jurisdiction to make determinations concerning the Tenant's eligibility for or the amount of geared-to-income rent pursuant to section 203 of the Act. The proper avenue for the Tenant's dispute of the Landlord's RGI calculations or of the Landlord revoking the subsidy is through the review process set out by the housing services provider.
12. As I am not satisfied that the Tenant was not reasonably able to participate in the proceedings and in the absence of a demonstrable error in the February 6, 2026 order or that a serious error occurred in the proceedings, the request to review the order must be denied.
13. Given that the Tenant's monthly income is insufficient to pay the monthly rent in full, I find that it is more likely than not that arrears will continue to increase until the Tenant vacates

the rental unit and as such, it would be unreasonable to delay lifting the stay past June 30, 2026 which the Landlord was agreeable to.

It is ordered that:

1. The request to review order LTB-L-095479-25 issued on February 6, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 19, 2026 is cancelled. The stay of order LTB-L-095479-25 is lifted on June 30, 2026.

May 15, 2026
Date Issued

Vicky Liu
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.