



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

File Number: LTB-L-107112-25-RV

In the matter of: 801, 10 Roanoke Rd
Toronto ON M3A1E7

Between: bclMC Realty Corporation c/o QuadReal
Residential Properties G.P. Inc. Landlord

And

Jim Pengelly Tenant

Review Order

bclMC Realty Corporation c/o QuadReal Residential Properties G.P. Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Jim Pengelly (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has willfully or negligently caused damage to the premises.
- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

bclMC Realty Corporation c/o QuadReal Residential Properties G.P. Inc. (the 'Landlord') also applied for an order requiring Jim Pengelly (the 'Tenant') to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

This application was resolved by order LTB-L-107112-25 issued on March 9, 2026.

On March 11, 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 11, 2026, interim order LTB-L-107112-25-RV-IN was issued, staying the order issued on March 9, 2026.

This application was heard by videoconference on April 28, 2026.

The Landlord's Legal Representative Martin Zarnett, the Landlord's Agent Shivanshu Sharma, and the Tenant attended the hearing.

Determinations:

1. Application LTB-L-107112-25 was heard by videoconference on February 26, 2026. The Tenant did not attend. Based on the uncontested evidence of the Landlord, the Board terminated the tenancy.
2. The Tenant testified that he called into the videoconference several times between 8:30-9:00 AM and was only answered around 9:00 AM. The Tenant stated his file number and was told the hearing was cancelled, so he hung up.
3. The Landlord's Agent testified that she attended the hearing on February 26, 2026, and that there was no Moderator that day. The Agent stated that the Tenant did not call in at all.
4. I do not find the Tenant's testimony to be credible, as it was very vague. The Tenant could not recall the hearing date, the phone number he called, or whom he spoke to. The Landlord's Agent's testimony was specific and direct. Therefore, I prefer the Landlord's Agent's testimony and find that the Tenant was not told that his hearing was cancelled.
5. I am not satisfied that the Tenant was not reasonably able to participate in the proceeding. Therefore, the review request is denied.

It is ordered that:

1. The request to review order LTB-L-107112-25 issued on March 9, 2026, 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-L-107112-25 is lifted immediately.

May 15, 2026
Date Issued

Kate Sinipostolova
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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