



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

Citation: BDO Canada LTD Receiver of 1000000152 Ont Inc c/o RAS Inc. v Kidd, 2026 ONLTB 40773

Date: 2026-05-28

File Number: LTB-L-105257-25-RV

In the matter of: 622, 381 MOSLEY ST
WASAGA BEACH ON L9Z2J8

Between: BDO Canada LTD Receiver of 1000000152 Ont Inc Landlord
c/o RAS Inc.

And

Dennis Kidd Tenant

Review Order

BDO Canada LTD Receiver of 1000000152 Ont Inc c/o RAS Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Dennis Kidd (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-105257-25 issued on March 5, 2026.

On March 16, 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 18, 2026 interim order LTB-L-105257-25-RV-IN was issued, staying the order issued on March 5, 2026.

This application was heard by videoconference on May 7, 2026.

The Landlord's legal representative, Nicole Ruby, the Tenant, and the Tenant's agent, Andy Jackson, attended the hearing.

Determinations:

1. The Tenant requests a review on the grounds of a serious error and an inability to participate. The alleged errors are reasonable findings based on the information provided at the hearing; this is not an error. The Tenant says they were unable to participate in the hearing because they are illiterate and did not know how to participate.

2. In *King-Winton v. Doverhold Investments Ltd.*, [2008] O.J. No. 4697 (Ont. Div. Ct.), the Divisional Court stated that, “being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less”.
3. However, in *Q Res IV Operating GP Inc. v. Berezovs’ka*, 2017 ONSC 5541 (Div. Ct.), the Divisional Court also held that, “Lack of diligence in dealing with court proceedings is not a reason for refusing to set aside an order where a party has failed to appear. In other words, it was not an error in law for the Review Board to find that lack of diligence constituted a reason not to grant the landlord a rehearing. 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.
4. In this case the Tenant usually relies on roommates or friends to help him with written correspondence. The Tenant brought the Notice of Hearing to their agent who was present at the hearing after the hearing date had passed. From the Tenant’s testimony I am satisfied that the Tenant received the Notice of Hearing but didn’t act on it in a timely manner.
5. 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.
6. The Landlord’s representative consented to a delayed lifting of the stay until May 31, 2026.

It is ordered that:

1. The request to review order LTB-L-105257-25 issued on March 5, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 18, 2026 is cancelled. The stay of order LTB-L-105257-25 is lifted on May 31, 2026.

May 28, 2026
Date Issued

Dawn Carr
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.