



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

Citation: PENN TERRA GROUP LTD. v Dadri, 2026 ONLTB 42964

Date: 2026-05-28

File Number: LTB-L-020525-26-RV

In the matter of: 307-4, 136 JAMES ST
ST CATHARINES ON L2R5C4

Between: PENN TERRA GROUP LTD. Landlord

And

Amandeep Dadri Tenant

Review Order

PENN TERRA GROUP LTD. (the 'Landlord') applied for an order to terminate the tenancy and evict Amandeep Dadri (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-020525-26 issued on May 20, 2026. A hearing was held on May 14, 2026 and the Tenant did not attend.

On May 28, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. In the review request the Tenant asserts they were not reasonably able to participate at a hearing as they misunderstood the hearing date, had a pre-scheduled legal appointment, had limited communication access and had issues accessing the LTB portal.
2. 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.
3. The Tenant's claims in the review request are vague. The Tenant said that they believed the hearing was scheduled for May 15 and therefore did not attend the scheduled hearing which took place on May 14, 2026.
4. While I accept that the Courts have consistently held that being reasonably able to participate at a hearing must be interpreted broadly, the law has developed significantly. While it is still true that being reasonably able to participate must be interpreted broadly,

the Court has elaborated on what exactly that means. The Court summarized the correct approach in *Kizemchuk v. 60 Montclair Limited*, 2024 ONSC 6140 (CanLII) at para. 40:

Of course, the phrase “reasonably able to participate” is to be interpreted broadly. Where a party had a genuine intent to participate but was prevented from doing so, a re-hearing should be held to give them an opportunity to participate... However, there is a difference between being prevented from attending and failing to make reasonable efforts to attend. A party must demonstrate that they exercised diligence in their effort to attend the original hearing. If a party is not diligent in dealing with legal proceedings, they cannot expect the Board to hold a second hearing.

5. In this case, the Tenant’s failure to participate in the hearing clearly resulted from a lack of diligence on their part. They received the Notice of Hearing and failed to take care in recording the hearing date. Simply mis-diarizing the date is not good cause to review an order.
6. There is little detail related to the claim that a pre-scheduled legal appointment would have also prevented their ability to attend the hearing. The hearing was scheduled in a morning block and based on the limited submissions in the request; it is not clear that the Tenant could not have taken steps to attend the hearing or notify the Board that they required an adjournment. The hearing proceeded virtually and could have been accessed with a telephone. I also considered, any legal representative, aware of a hearing, would have prioritized the legal proceeding.
7. The Tenant claimed they had limited communication “while outside of the apartment”. Again, the details are vague as to what prevented the Tenant from accessing the hearing while inside the apartment.
8. The Tenant filed s.82 issues with the Board on May 11, 2026. In the review request, the “tenants were under the understanding that the material would still be reviewed.” The Tenant was made aware in the Notice of Hearing that disclosure was required to be served seven days in advance of the hearing. It would have been inappropriate for the presiding Member to consider evidence that was not properly served nor addressed by the absent party.
9. Due to the vague and insufficient details in the review request, I cannot find that the Tenant was not reasonably able to participate in the hearing. Their failure to participate was the result of their own lack of due diligence. The review request must be denied.
10. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The request to review order LTB-L-020525-26 issued on May 20, 2026 is denied. The order is confirmed and remains unchanged.

May 28, 2026
Date Issued

Dana Wren
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.