



Order under Section 30 Residential Tenancies Act, 2006

Citation: Black v 2235204 Ontario Ltd., 2026 ONLTB 42086

Date: 2026-06-01

File Number: LTB-T-099652-23

In the matter of: 19, 1522 King Street East
Hamilton ON L8K1S9

Between: Kyle Black
Kathie Black
Tenants

And

2235204 Ontario Ltd.
Landlord

Kyle Black and Kathie Black (the 'Tenants') applied for an order determining that 2235204 Ontario Ltd. (the 'Landlord') failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was heard by videoconference on May 25, 2026.

The Landlords' agents Kamal Berrada and Dan Godkin attended the hearing.

The Tenant Kathie Black was signed into the hearing block but was not responsive to multiple prompts and opportunities to participate in the hearing, as detailed in my determinations below.

At 11:55 a.m., I found that the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing.

Determinations:

1. In light of the circumstances that led to this matter being declared abandoned by the Tenants as of 11:55 a.m. on May 25, 2026, a full procedural history of this file is included to explain the basis my decision to declare the matter abandoned.
2. The Tenants' application was initially brought forward for a hearing on November 28, 2024, before another member of the Board. Per the adjournment sheet prepared by the presiding member, the hearing was on the Landlord's request because an incomplete version of the Tenants' application was served on the Landlord by the Board and the Tenants' evidence

was not properly served on the Landlord. This adjournment request was granted by the presiding member.

3. The matter first came before me on June 18, 2025. The Tenant Kathie Black attended that hearing by telephone and Kyle Black was not in attendance. Ms. Black testified about the merits of her application and then disconnected from the proceedings before the Landlord's legal representative had the opportunity to cross-examine her on her testimony. The matter was stood down to provide Ms. Black with the opportunity to reconnect to the hearing block, but she did not do so. I adjourned the matter and seized myself, having heard evidence of the merits of the application.
4. An interim order summarizing the proceedings to that point and requiring the parties to send any unavailable dates to the Board was issued on August 18, 2025. No response to the request for unavailable dates was received from the Tenants.
5. The matter resumed on May 25, 2026. The Tenant Kathie Black again joined the hearing block by telephone and was successfully signed into the hearing block at approximately 9:10 a.m. – twenty-five minutes after she was directed to attend on the Notice of Hearing. She put her device on mute until her matter could be called forward. Kyle Black was not in attendance.
6. At 10:49 a.m., I called the Tenants' matter forward. The Landlords' agents – Dan Godkin and Kamal Berrada – unmuted their devices and confirmed they were present and ready to proceed. Ms. Black did not unmute her device. I provided Ms. Black with repeated verbal instructions on how to unmute her device, and she did not respond. I sent repeated prompts to unmute via Zoom. Ms. Black did not respond. Ms. Black disconnected from the proceedings a short time thereafter. I stood the Tenants' application down to allow Ms. Black an opportunity to reconnect.
7. At approximately 11:20 a.m., Ms. Black reconnected to the hearing room via telephone. I signed her into the hearing room again and cautioned her about the importance of unmuting her device when called upon to do so. I specifically cautioned her that if she did not unmute herself within a reasonable amount of time of her matter being called forward, her application may be declared abandoned. Ms. Black's device was again muted while I continued hearing another matter.
8. At approximately 11:53 a.m., the Tenants' matter was called forward again. Again, Ms. Black did not unmute her device. Again, I repeated verbal instructions on how to unmute her device. Ms. Black did not respond. Again, I sent repeated prompts to unmute via Zoom. Again, Ms. Black did not respond.
9. I asked the Landlords' agents present at the hearing for their position on whether the Tenants had abandoned their application. During these submissions, Ms. Black did not unmute her device.
10. Given the lack of responsiveness from Ms. Black and her history of disconnecting from the hearing room and not responding to prompts to unmute her device, I declared the matter to be abandoned as of 11:55 a.m. Ms. Black's device disconnected from the hearing block shortly thereafter.

11. I note that there were no known issues with the Zoom hearing room on the date of the hearing. Other participants were able to participate in the proceedings, including some other participants who joined the hearing room by phone and were responsive to my prompts to unmute their devices.
12. I also note that I received a message from a staff member of the Tribunals Ontario Virtual Hearing Technical Support Line after the hearing that stated Ms. Black had called the support line seeking assistance. I accept as true that Ms. Black reached out to the Tribunals Ontario Virtual Hearing Technical Support Line. I make no finding as to whether she was attempting to respond to my prompts to unmute her device in the hearing room.
13. However, given the history of this proceeding and the fact that it had been previously adjourned due to technical issues on her part, I view a further adjournment as an unreasonable use of the resources of the Board and the responding party.
14. Ms. Black came into the May 25, 2026, hearing date with full knowledge that she experienced technical difficulties participating by phone at the June 18, 2025, hearing date. She had nearly a full year to ensure that she had the technological knowledge and ability to participate in the hearing. The Notice of Hearing that was sent to the Tenants on April 21, 2026, specifically includes a document entitled "Information about Zoom Video Hearings at the Landlord and Tenant Board" that the Tenants could have consulted prior to the hearing date.
15. The Notice of Hearing also included information about requesting an accommodation in the form of access to reliable technology to connect to the hearing proceeding. No accommodation request was submitted by the Tenants at any point with respect to this file.
16. Given the sequence of events set out above, I am satisfied on a balance of probabilities that the Tenants abandoned her proceeding despite being given ample opportunities to participate. As such, the application is dismissed.

It is ordered that:

1. The Tenants' application is dismissed as abandoned.

June 1, 2026
Date Issued

Jeremy Henderson
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.