



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

Citation: PENN TERRA GROUP LTD v Juman, 2026 ONLTB 43761

Date: 2026-06-02

File Number: LTB-L-016486-26-RV

In the matter of: 704-3, 51 LAKE ST
ST CATHARINES ON L2R0B6

Between: PENN TERRA GROUP LTD Landlord

And

Alisha Juman Tenant

Review Order

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

This application was resolved by order LTB-L-016486-26 issued on May 13, 2026.

On June 1, 2026, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant did not attend the hearing on May 6, 2025 and as such the Landlord's application was heard uncontested. The Tenant provides the following explanation for their absence:

I am requesting a review of the eviction order because I was not reasonably able to participate in the hearing. Before receiving notice of the hearing date, I had already purchased an international flight and arranged travel outside of Canada. The airline ticket I purchased was a basic fare that did not allow changes or cancellations. As a result, once I received the hearing date, I was unable to reschedule my travel plans to attend. While I was abroad, I was also staying in an area with unreliable cellular and internet service. My absence was not intentional, and I did not choose to ignore the hearing. The circumstances were beyond my control. Had I been reasonably able to participate, I would have attended.

2. Attached to the review request is documentation that shows the Tenant booked a flight to Orlando, Florida, to leave on April 26, 2026, and to return on May 7, 2026.

3. 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.
4. The Board's interpretation guideline on reviews states that the Board will generally refuse review requests where no reasonable explanation has been provided for the failure to attend. The Tenant provides no information about why they had to travel to Florida. Choosing to attend a vacation or a work trip is not grounds for review. The Tenant has provided insufficient information to support that they had to leave the country for a more urgent or serious reason than travel or work.
5. While I am mindful that being reasonably able to participate must be interpreted broadly, I am not satisfied that the Tenant had a genuine intent to participate in the hearing process. I say this because the Tenant was aware of the hearing and made the active choice not to attend. My finding is consistent with the Board's approach in the following cases in which choosing to attend work rather than attending a hearing was found not to be grounds for review: TEL-82989-17-RV (Re), 2017 CanLII 84863 (ON LTB), TSL-75156-16-RV (Re), 2017 CanLII 28808 (ON LTB), and TNL-56542-14-RV (Re), 2014 CanLII 57970 (ON LTB). I note that in TEL-87603-18-RV-IN2 (Re), 2018 CanLII 111773 (ON LTB) the Board found that a tenant who left a hearing because her workplace needed her to cover for an unexpectedly ill employee was not reasonably able to participate in the hearing. However, that case is distinguishable from the case before me because it involved an unexpected illness. The Tenant has provided no information about why they went to Florida, I reference the Board's decisions about Tenant's who miss hearings for work merely to illustrate that choosing not to attend a hearing and instead prioritizing other commitments is not grounds for review.
6. The Tenant has provided insufficient information in the review request to support that there was no phone or internet access in Florida.
7. Prior to the hearing the Tenant filed a request to reschedule because of their trip. That request was denied in an endorsement issued on April 30, 2026. The Divisional Court has repeatedly affirmed that parties to an application are required to follow the Board's process to reschedule or adjourn a hearing: *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807 (Div. Ct.) (CanLII); *Wang v. Oloo*, 2023 ONSC 1028 (Div. Ct.) (CanLII). After the Tenant's request was denied, the Tenant was expected to attend the hearing.
8. It was also not diligent for the Tenant not to attend the hearing after the request to reschedule was denied. In *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 (CanLII) the Court stated: Lack of diligence in dealing with court proceedings is 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. To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders.

It is ordered that:

1. The request to review order LTB-L-016486-26 issued on May 13, 2026 is denied. The order is confirmed and remains unchanged.

June 2, 2026
Date Issued

Amanda Kovats
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.