



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

File Number: LTB-L-022348-26-RV

In the matter of: 18, 21 HOLBORN DR
KITCHENER ON N2A2E1

Between: 21 Holborn GP Ltd. Landlord

And

Christopher Crocker Tenant

Review Order

21 Holborn GP Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Christopher Crocker (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-022348-26 issued on May 28, 2026.

On June 4, 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 that occurred on May 20, 2026, and as such the Landlord's application was heard uncontested. The Tenant concedes in the review request that they received the notice of hearing and were aware of the hearing date. The Tenant states that they misplaced the notice of hearing which contained the information required to log into the virtual hearing.
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. While being able to participate in a proceeding must be interpreted broadly, the Board generally refuses review requests where the requestor's absence was the result of negligence, or the Board finds no reasonable explanation for the failure to attend. 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.”

4. It was not diligent for the Tenant to misplace the notice of hearing. The Tenant states that they went looking for the notice of hearing on the morning of the hearing. It was also not diligent for the Tenant not to look for the notice of hearing until the morning of the hearing. The Tenant outlines no steps that they took to find the call in information for the hearing. Steps the Tenant could have taken include contacting the Landlord, using google to get the contact information for the Board or a community legal clinic, and calling the Board or a community legal clinic. Failing to take any steps after being unable to locate the notice of hearing was not diligent.

It is ordered that:

1. The request to review order LTB-L-022348-26 issued on May 28, 2026 is denied. The order is confirmed and remains unchanged.

June 5, 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.