



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

**File Number:** LTB-L-100023-25-RV

**In the matter of:** 202, 1475 KINGSTON RD  
SCARBOROUGH ON M1N1R5

**Between:** 1034523 Ontario Ltd. Landlord

**And**

Graham Gaidye Tenant

### **Review Order**

1034523 Ontario Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Graham Gaidye and Scarborough Community Legal Services (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-100023-25 issued on February 17, 2026.

On February 26, 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 February 27, 2026, interim order LTB-L-100023-25-RV-IN was issued, staying the order issued on February 17, 2026.

This request was heard by videoconference on April 9, 2026.

The Landlord's legal representative, D. Marrello, and the Tenant's legal representative, R. Griffin, attended the hearing.

I was satisfied that the Tenant had received the Notice of Hearing and there was no request to adjourn before me. Based on this, I proceeded to hear the review at 2:19 p.m.

### **Determinations:**

1. The Tenant did not attend the merits hearing held on February 10, 2026. After that hearing, a standard termination order was issued on February 17, 2026.
2. The Tenant requested a review on February 26, 2026, saying that he did not receive the notice of hearing for the merits hearing and he was therefore not reasonably able to participate in the hearing held on February 10, 2026.

3. The Tenant's legal representative said that the Tenant was aware of the hearing, and she had spoken with him the previous week about the hearing. She said that he had informed her that he would attend, and she did not know why he was not at the review hearing.
4. I first called this hearing at 1:40 p.m., but then I gave the Tenant's legal representative more time to communicate with her client. I waited until 2:19 p.m. to proceed, which was over 90 minutes later than the Tenant had been informed to attend on the notice of hearing.
5. The Tenant's legal representative asked for an adjournment because the Tenant is a vulnerable senior. She said that the Tenant was prepared to come.
6. The Landlord did not consent to an adjournment. The Landlord's legal representative said that there were other outstanding orders from the Board, and that the Tenant has had legal representation since June of 2025. He also said that the Tenant has a history of asking for adjournments on multiple occasions solely as a means of delaying proceedings. The Landlord submits that Board costs should be imposed upon the Tenant.
7. I denied the adjournment. The Tenant did not attend the hearing. His legal representative was given extra time to try and find the Tenant and communicate with him. He had not provided his own legal representative with any explanation for his non-attendance, and he did not respond to her attempts to have him attend his own review hearing. The Landlord obtained an order for over \$5,000.00 of arrears in February 2026. At the time of this review hearing, the Landlord's ledger shows that the Tenant's arrears have actually increased. I find that there is prejudice to the Landlord in granting an adjournment, especially as the Tenant has not provided any reasonable explanation for his failure to attend.
8. Paragraph #4 of the Determinations in interim order LTB-L-100023-25-RV-IN sending the review request to a hearing, informs the Tenant that a failure to attend the review hearing "may be viewed as an abuse of process and may result in costs being ordered against the Tenant."
9. The Landlord's documentary history of proceedings before the Board with this Tenant demonstrates that the Tenant is very familiar with Board proceedings, and he has delayed proceedings on a number of occasions.
10. In any case, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings, or that the Tenant was not reasonably able to participate in the proceeding on February 10, 2026, for the following reasons.
11. In his written request to review, the Tenant gave a wordy explanation about having different legal representatives, and that fact, among others, having some relationship to why he failed to attend on February 10, 2026. He said that he did not receive a notice of hearing. The simple fact is that the notice of hearing for the February 10, 2026, hearing was mailed by the Board to the Tenant, at the rental address, not to his legal representative, on January 20, 2026. It was never returned undelivered. Therefore, it was deemed received by the Tenant on January 25, 2026. I find, on a balance of probabilities, that the Tenant was reasonably able to participate in the hearing held on February 10,

2026, but he chose not to attend. He then filed his request to review to further delay his eviction.

12. In addition, the Tenant did not attend the hearing to provide any other explanation for his failure to attend on February 10, 2026.
13. Since the Tenant's legal representative attended the hearing, and since it was never conclusively established why the Tenant failed to attend the review hearing, I find that it has not been proved, on a balance of probabilities, that the Tenant intended to abuse the process by filing his request for a review. Consequently, I deny the Landlord's request to impose Board costs on the Tenant.

**It is ordered that:**

1. The request to review order LTB-L-100023-25 issued on February 17, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order LTB-L-100023-25-RV-IN issued on February 27, 2026, is cancelled. The stay of order LTB-L-100023-25 issued on February 17, 2026, is lifted immediately.

**June 9, 2026**  
**Date Issued**

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Nancy Morris  
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.