



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

File Number: LTB-L-093980-25-RV

In the matter of: 101, 55 DUNDAS ST E
NAPANEE ON K7R1H7

Between: 1001096591 ONTARIO INC.

Landlord

And

BILL CORMIER

Tenant

Review Order

1001096591 ONTARIO INC. (the 'Landlord') applied for an order to terminate the tenancy and evict BILL CORMIER (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-093980-25 issued on April 2, 2026. A hearing of the Landlord's L2 application was heard on February 10, 2026. Only the Landlord attended the hearing. The Tenant was not present or represented at the hearing.

On April 14, 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 April 15, 2026 interim order LTB-L-093980-25-RV-IN was issued, staying the order issued on April 2, 2026

This application was heard by videoconference on June 9, 2026.

The Landlord's Legal Representative, Ian Macinnis, and the Tenant attended the hearing.

Determinations:

The Review Request:

1. The Tenant requested a review of the order on the basis that he was not reasonably able to participate in the hearing held on February 10, 2026.

2. At the review hearing, the Tenant testified that he received the hearing materials and intended to attend the hearing. He testified that he became ill with the flu approximately two days before the hearing. He stated that he had a high fever, remained in bed for about three days, and was only able to sleep, use the bathroom, take medication, and eat small amounts of food.
3. The Tenant did not see a doctor and did not attend emergency. He testified that he did not do so because he believed it was the flu. He did not provide any medical documentation in support of his request. The Tenant stated that the fever affected his ability to think clearly and prevented him from calling into the hearing to request an adjournment. After realizing that he missed the hearing, he contacted the legal clinic.
4. *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII) [*Berezovs'ka*]. In that decision, the Divisional Court ruled, at paragraph 8:

Lack of due 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.

5. Based on the evidence before me, I find that the Tenant has not established that he was not reasonably able to participate in the hearing. The Tenant received the hearing materials and was aware of the hearing date. Although I accept that he may have been ill, the evidence does not establish that his condition prevented him from joining the hearing briefly, contacting the Board to request an adjournment, or arranging for another person to contact the Board on his behalf.
6. The Tenant's evidence concerning the severity of his illness was not supported by medical documentation or other evidence. More importantly, his evidence did not adequately explain why no attempt was made to notify the Board of his circumstances before or during the hearing.
7. Therefore, I find that the Tenant has not demonstrated that he was not reasonably able to participate in the February 10, 2026, hearing. Their absence is attributable to a lack of due diligence, and the request to review is therefore denied.

Lifting the stay:

8. With respect to the lifting of the stay, given the length of this tenancy and the Tenant's personal circumstances, I find it appropriate to grant short delay in the lifting of the stay to July 15, 2026.
9. This order contains all of the reasons for the decision. No further reasons will be issued.

It is ordered that:

1. The request to review order LTB-L-093980-25 issued on April 2, 2026, is denied. The order is confirmed and remains unchanged.

2. The interim order issued on April 15, 2026, is cancelled. The stay of order LTB-L-093980-25 is lifted on July 15, 2026.

June 19, 2026
Date Issued

Joy Xiao
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.