



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

Citation: Clatworthy v Guindon, 2026 ONLTB 44024

Date: 2026-06-23

File Number: LTB-L-012348-26-RV

In the matter of: 36 AURORA AVE
KAPUSKASING ON P5N1J7

Between:	David Clatworthy	Landlord
	And	
	Tim Guindon	Tenant

Review Order

David Clatworthy (the 'Landlord') applied for an order to terminate the tenancy and evict Tim Guindon (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-012348-26 issued on June 11, 2026.

On June 19, 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 states they were unable to attend the hearing because they had to work.
2. 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. The Tenant has also provided no information about any steps they took to reschedule the hearing or to make arrangements to take time off work. While I sympathize with the decision faced by the Tenant between attending work and the hearing, it is not grounds for review.
3. 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).

4. 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.
5. As a result, on the basis of the submissions made in the request, 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.

It is ordered that:

1. The request to review order LTB-L-012348-26 issued on June 11, 2026 is denied. The order is confirmed and remains unchanged.

June 23, 2026
Date Issued

Richard Ferriss
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.