



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

Citation: Capreit Limited Partnership v Gobay, 2026 ONLTB 50674

Date: 2026-06-26

File Number: LTB-L-032032-25-RV

In the matter of: 212, 2928 Yonge St
Toronto ON M4N2K1

Between: Capreit Limited Partnership Landlord

and

Cecilyn Gobay Tenant

and

Roy Radovanov Unauthorized Occupant

Review Order

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy of Cecilyn Gobay (the 'Tenant') and evict Roy Radovanov (the 'Unauthorized Occupant') because the Tenant transferred occupancy of the rental unit to the Unauthorized Occupant without the Landlord's consent. The Landlord also applied for compensation by the unauthorized Occupant for the use of the rental unit.

Capreit Limited Partnership (the 'Landlord') applied for an order to evict (the 'Subtenant') because the subtenancy ended and the Subtenant continues to occupy the rental unit.

This application was resolved by order LTB-L-032032-25 issued on May 26, 2026.

On June 25, 2026, the Unauthorized Occupant requested a review of the order.

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

Determinations:

1. The Unauthorized Occupant submits that the order contains a serious error and that they were not reasonably able to participate.

2. 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 the Unauthorized Occupant was not reasonably able to participate in the proceeding.
3. At the initial hearing, the Unauthorized Occupant requested an adjournment. The adjournment request was denied. After the denial of the request, the Unauthorized Occupant logged out of the hearing. The Unauthorized Occupant submits that the denial was unreasonable, and he was therefore not reasonably able to participate.
4. The presiding Member's decision to deny the adjournment request was not unreasonable.
5. Section 21 of the *Statutory Powers Procedure Act, 1990* (the 'SPPA') states that a hearing may be adjourned where it is shown to the satisfaction of the tribunal that an adjournment is required to permit an adequate hearing to be held. Interpretation Guideline 1 of the Board's Interpretation Guidelines states:

Parties should assume that the hearing will proceed on the date stated in the Notice of Hearing. This means that the parties should be prepared to present their evidence, call and question witnesses and make submissions.

...

Where the Member is satisfied that the party has received sufficient notice of the hearing and has been provided with an adequate opportunity to prepare their evidence and submissions, summons witnesses and obtain counsel ahead of the hearing date, an adjournment is not usually granted unless there are exceptional circumstances.

The specific factors the Member may consider in deciding whether to grant an adjournment include:

1. the reason for the adjournment and position of the parties;
 2. the issues in the application;
 3. any prejudice that may result from granting or denying the request;
 4. the history of the proceeding including other adjournments or rescheduling;
 5. the LTB's obligation to adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter.
6. It is apparent from the final order that the presiding Member correctly exercised their jurisdiction under section 21 of the SPPA by admitting and considering the parties' evidence and circumstances when denying the Unauthorized Occupant's adjournment request. The '**Adjournment Request**' section of the final order shows that the presiding Member considered the reason for the adjournment request, that this was the second request by the Unauthorized Occupant for the same reason, and the prejudice to the Landlord in granting another adjournment. Although another Board Member may have exercised their discretion differently, the presiding Member's decision is entitled to deference.

7. Additionally, I am not satisfied that the Unauthorized Occupant was not reasonably able to participate. While the Tenant provided a recent medical note to support his request for an adjournment, the medical note is extremely vague and does not provide details as to how the Unauthorized Occupant's medical condition would impact his ability to participate in a hearing. Rather, the January 21, 2026 medical note appears to ask the Tribunal to consider the Unauthorized Occupant's ongoing medical testing and the impact housing instability may have on the Unauthorized Occupant's undiagnosed medical issues.
8. In *Wang v. Oloo*, 2023 ONSC 1028 (Div. Ct.), the Divisional Court affirmed at paragraph 10 that a party who seeks an adjournment must give "sufficient information to enable the court or tribunal to exercise its own judgment as to whether the adjournment should be granted", pursuant to Rule 21 of the Board's *Rules of Procedure*. In this case, the medical note provided does not provide sufficient information for the Board to consider the impact on the Tenant.
9. With respect to the serious error alleged, it was not a serious error for the Member to hear the application on the merits without hearing the Unauthorized Occupant's evidence. The Unauthorized Occupant chose to leave the hearing after their adjournment request was denied, waiving their right to participate. The Notice of Hearing clearly states that the hearing may proceed without a party who does not attend.
10. As I am not satisfied that there is a serious error in the order or that the Unauthorized Occupant was not reasonably able to participate, the request to review the order must be denied.

It is ordered that:

1. The request to review order LTB-L-032032-25 issued on May 26, 2026 is denied. The order is confirmed and remains unchanged.

June 26, 2026
Date Issued

Candace Aboussafy
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.