



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

Citation: Toronto Community Housing Corporation v Tabnor, 2026 ONLTB 50882

Date: 2026-06-30

File Number: LTB-L-104307-25-RV & LTB-L-074853-25-RV

In the matter of: 204, 31 GILDER DR
SCARBOROUGH ON M1K4P8

Between: Toronto Community Housing Corporation Landlord

And

Reuben K. G Tabnor Tenant

Review Order

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Reuben K. G Tabnor (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

The Landlord also applied for an order to terminate the tenancy and evict the Tenant because the Tenant committed an illegal act in the residential complex.

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-074853-25 issued on February 17, 2026.

On March 11, 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 March 12, 2026, interim order LTB-L-074853-25-RV-IN was issued, staying the order issued on February 17, 2026.

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

The Landlord's legal representative, L.A. Thibert, the Tenant, and the Tenant's legal representative, J. Brakohiapa, attended the hearing. The Tenant's support, I. Chaudhry also attended the hearing. The Landlord's witnesses, Cst. A. Hoy, D. Rutherford, Cst J. Thompson, G.

Chan, S. Khullar, A. Hubbard, G. Clayford, and P.C. S. Dzingala, attended the hearing. The Tenant's witness, S. Jivril, attended the hearing.

Determinations:

1. The Tenant was evicted on March 11, 2026. The Landlord has not re-rented the rental unit. The Landlord has preserved the Tenant's belongings, in compliance with paragraph #7 of the interim order, LTB-L-074853-25-RV-IN issued on March 12, 2026.

Background:

2. The Landlord's request to shorten time to a hearing was granted on October 30, 2025, because of the Tenant's ongoing harassment, alleged by the Landlord, that led to an arrest and criminal charge of harassment.
3. The matter was adjourned after the hearing on November 26, 2025, because the Tenant required more time to prepare to defend himself. After the hearing, the Member issued an interim order, LTB-L-074853-25-IN on December 2, 2025. In her order, the Member wrote that the Tenant was prepared to proceed, but "based on his submissions and apparent confusion, I used my discretion to adjourn the matter." The Member also informed the Tenant about obtaining legal counsel, as well as support for the next hearing.
4. The Tenant did not attend the re-scheduled hearing on February 10, 2026. On February 17, 2026, an eviction order was issued after the hearing Member found that the Tenant committed an illegal act, and it also found that he impaired the safety of the Landlord's staff, and other people in the residential complex.
5. The Tenant was evicted on March 11, 2026.
6. The Tenant filed his request for a review alleging that he was not reasonably able to participate in the hearing held on February 10, 2026.
7. It is undisputed that the Tenant was incarcerated in mid-October 2025, and that he attended the hearing on November 26, 2025, while incarcerated. He was incarcerated until approximately March 2, 2026, a few weeks after the hearing was held, and after the resulting order was issued. In his request for a review, he wrote "he was not aware that there had been a hearing in his absence until a few days after he returned to the unit." However, at the hearing, the Tenant had a different explanation for his absence from the hearing held on February 10, 2026.
8. At the review hearing, the Tenant said that he was aware of the hearing to be held on February 10, 2026, and he was "waiting and waiting" for someone to come to his cell to facilitate his attendance at the hearing. He had no documentation of a request to attend the hearing, and no documentation to support anything that he reported had happened on February 10, 2026. He said that he receives his mail from the correctional workers, and they accompany him to wherever he attends the hearing.
9. After February 10, 2026, the Tenant did not do anything to follow up about his inability to attend. He said that when he was released from jail on March 2, 2026, he had a "feeling in the pit of his stomach" that something would happen. He said that he returned to his rental

unit, he received a notice to vacate from the Sheriff on March 5, 2026 and he panicked. However, the Tenant did not take any action at all until after he received the notice to vacate from the Sheriff on March 5, 2026. He said that he contacted his mental health worker, S. Javril (SJ), and she ensure he was connected to legal aid, and ultimately connected to his legal representative for the review.

10. The Tenant testified about what happened in the weeks leading up to the hearing in February 2026, however, his testimony was not clear or consistent. He said that he had no money for phone calls, but he also mentioned a number of conversations with his criminal lawyer, C. Hines (CH). The Tenant said that CH sent him an Uber to return to his unit after he was released from jail. The Tenant said that he was able to speak with CH while in jail because he traded food trays to get money for calls. However, he said that he had not traded any food trays to get in touch with the LTB.
11. The Tenant said that it was always his intention to attend the hearing held on February 10, 2026. He said that he waited to attend, and things went drastically wrong. The Tenant said that he was unable to follow up after February 10, 2026, because the correctional workers would not help him.
12. The Tenant's mental health worker, SJ, testified that the Tenant reached out to her three days prior to the eviction, and she managed to connect him to legal aid. She said that she showed the request for a review to the Tenant before it was filed, and he confirmed everything in it. SJ said that she was not in communication with the Tenant while he was incarcerated.
13. The Tenant submits that he was not reasonably able to participate in the hearing held on February 10, 2026. He submits that he received the notice of hearing, and he informed the correction workers, but he was dependent on them to facilitate his attendance. They failed to help him on the day. He had every intention of attending the hearing, but it was out of his hands because the process did not work that day. He submits that he tried to reach out to one of his workers to get legal support for the hearing, but it did not work. The Tenant submits that he has severe mental health disabilities, and it is severely prejudicial to him if he does not have an opportunity to be heard, and to have the opportunity raise his accommodation needs for his disability under the *Human Rights Code*. He submits that he should regain possession of the unit because he requires a stable place to stay and heal.
14. The Landlord submits that the Tenant's testimony is not credible, as he contradicted his written request for a review with his testimony at the hearing. The Landlord submits that the Tenant is not credible, he took no steps after the hearing to contact the Landlord or the LTB, or to discover what had happened at the hearing. The Landlord submits that the Tenant had supports he could have contacted, like a lawyer and a support worker, and he had also been informed and advised about acquiring legal assistance after the hearing held on November 26, 2025. Finally, they submit that the Tenant was reasonably able to participate, but he did not exercise diligence to ensure that he could attend.

Reasons and Analysis:

15. 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 for the reasons that follow.
16. It is undisputed that the Tenant received the notice of hearing, and he was aware of the hearing to be held on February 10, 2026, despite what he wrote in his request for a review. The Tenant's testimony about intending to attend the hearing, and about waiting for assistance to attend the hearing is not credible. There is no documentary evidence to support his testimony, and it is his own evidence that he did nothing at all to follow up about the proceeding on February 10, 2026. In fact, he received help from his criminal lawyer to leave the jail on March 2, 2026, without telling his lawyer anything about the failed attendance before the Board, and he returned home, received a notice to vacate from the Sheriff, and still did nothing to follow up until his mental health worker assisted in connecting him to legal aid. The Tenant was clearly able to attend a hearing, if he exercised the proper diligence, as he did in November 2025. In fact, it was the adjudicator who chose to adjourn that hearing because she observed that the Tenant would require some legal assistance. She not only adjourned the hearing, but she issued an interim order, providing extensive information about how to connect with legal assistance. He was then given a further 2 ½ months to find legal assistance, and he failed to do it. The Tenant himself spoke of regular communication with his criminal lawyer, for which he was able to find the money to make the phone calls. The Tenant's testimony was that he did nothing to ensure that he could make phone calls about the LTB matter, and he did not do anything to receive the legal assistance for which he was granted the adjournment in November 2025.
17. Essentially, the Tenant's request for a review is rejected because the Tenant did not exercise reasonable diligence to be aware of, and to attend the hearing. This is the frequently cited finding from *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 CanLII (Div. Ct.)). At para. 8, the Court noted that:

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.

18. The Tenant was given more than one opportunity to ensure that he could attend, and that he could attend with the necessary legal assistance, but he took no steps to do so. His testimony about waiting for someone to take him to the hearing is not credible, and it is completely unsupported by any other concrete evidence, nor any actions taken by the Tenant in the following weeks.

It is ordered that:

1. The request to review order LTB-L-074853-25 issued on February 17, 2026, is denied. The order is confirmed and remains unchanged.

2. The interim order LTB-L-074853-25-RV-IN issued on March 12, 2026, is cancelled. The stay of order LTB-L-074853-25 is lifted immediately.

June 30, 2026
Date Issued

Nancy Morris
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.