



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

**Citation:** Kaura v Chen, 2026 ONLTB 2054

**Date:** 2026-01-09

**File Number:** LTB-L-050069-25-RV

**In the matter of:** 603, 62 BALSAM ST  
WATERLOO ON N2L3H2

**Between:** Ajay Kaura Landlord

**And**

Mengxuan Chen Tenant

### **Review Order**

Ajay Kaura (the 'Landlord') applied for an order to terminate the tenancy and evict Mengxuan Chen (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-050069-25 issued on October 10, 2025

On October 20, 2025, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On October 21, 2025 interim order LTB-L-050069-25-RV-IN was issued, staying the order issued on October 10, 2025.

This request for review was heard by videoconference on November 17, 2025.

The Landlord and the Tenant attended the hearing. The Tenant declined the opportunity to consult with Tenant Duty Counsel prior to the hearing.

### **Determinations:**

1. On the basis of the submissions made in the request, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding.
2. In her review request, the Tenant states that before returning to China, she saw one email from the LTB and was aware that a hearing had been scheduled, but she could not recall the exact date. She explains that while she was in China from July to August 2025, Gmail and most Google services were blocked, preventing her from accessing her email or receiving any updates from the LTB. The Tenant indicates that she vacated the rental unit in May 2025 and provided the Landlord with advance notice of her intention to move out. She further states that upon returning to Canada, her email account did not synchronize

properly, and she only received a copy of the October 10, 2025 order by email. She believes that because her Gmail account was inaccessible while she was in China, the original hearing emails were either not delivered or were lost due to synchronization issues. The Tenant also indicates in her request to review that she filed a T2 application against the Landlord and included the file number LTB-T-055487-25.

3. In her testimony, the Tenant explained that she did receive an email about the hearing but did not record the date and was unable to retrieve the email while she was in China. Although her review request indicates that she was in China during July and August 2025, she testified that she actually left for China on July 4, 2025, and did not return to Canada until October 2, 2025, after the hearing had taken place.
4. The Tenant testified that she vacated the rental unit on May 1, 2025, and left the keys inside the unit. However, when asked to clarify portions of her T2 application, filed on July 8, 2025, regarding her status in the unit and the basis of her claim, she stated that she had made an error in the application. Upon further review of the T2 application with the Tenant, it was noted that she had indicated that, as of July 8, 2025, she was still living in the rental unit and that on June 2, 2025, she informed the Landlord she might need to end the lease due to financial hardship.
5. The Landlord opposed the Tenant's request for review and expressed concern about the inconsistencies in her testimony. He stated that he obtained possession of the rental unit on October 26, 2025, after receiving the keys from the management office.
6. As explained at the hearing, I was not satisfied that the Tenant was not reasonably able to participate in the proceeding. I have concerns regarding the Tenant's credibility, and when considered alongside the conflicting evidence about the relevant dates, I find that she has provided insufficient evidence to establish that she was unable to reasonably participate in the hearing.
7. The LTB's power to review a decision may be exercised if a party to a proceeding was not reasonably able to participate in the proceeding. The case law from the Divisional Court generally instructs that the meaning of the phrase "not reasonably able to participate" should be interpreted broadly to ensure natural justice and, where a party shows that they genuinely intended to participate in a hearing but was prevented from so doing, then they should be entitled to a hearing through the review process. However, this genuine intent to participate must be borne out by the evidence, such as actions and conduct by the party, which clearly demonstrate the party's intent to participate in the hearing.
8. Based on the evidence before me, I am not satisfied that the Tenant acted diligently. It was not diligent for the Tenant to be aware of the hearing and not make a note of the date. The conflicting information in the request to review and the Tenant's testimony also shows a lack of due diligence.
9. As stated by the Court in *Q Res IV Operating CP Inc. v. Berezovs'ka* 2017 ONSC 5541 "[I]f 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".

10. I am not satisfied that the Tenant was not reasonably able to participate in the proceeding as she has not demonstrated that she exercised reasonable diligence to attend and participate in the hearing nor provide any documentary evidence to establish why she could not attend.
11. Based on the above, I conclude that the Tenant has not shown good cause that she was not reasonably able to participate in the proceeding or that she exercised reasonable diligence in the circumstances to attend the hearing. The request for review the October 10, 2025 order will therefore be denied.

**It is ordered that:**

1. The request to review order LTB-L-050069-25 issued on October 10, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on October 21, 2025 is cancelled. The stay of order LTB-L-050069-25 is lifted immediately.

**January 9, 2026**  
**Date Issued**

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Susan Priest  
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.