



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

File Number: LTB-L-033228-25-RV

In the matter of: 45 LOCKERBIE AVE
NORTH YORK ON M9N3A3

Between: Frank Giovanatto Landlord

And

Santiago Becerril Tenants
Martin Flores
Maricela Flores
Katia Becerril

Review Order

Frank Giovanatto (the 'Landlord') applied for an order to terminate the tenancy and evict Santiago Becerril, Martin Flores, Maricela Flores and Katia Becerril (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-033228-25 issued on October 9, 2025 based on a hearing that took place on September 23, 2025 where the Landlord did not attend and appeared to have abandoned the application. Only the Tenant's attended the hearing as of 1:27pm.

On October 10, 2025, the Landlord requested a review of the order.

On October 10, 2025 interim order LTB-L-033228-25-RV-IN was issued, staying the order issued on October 9, 2025. The Landlord's representative submitted that they were not aware of the hearing date until they received notice that an order had been issued in their absence.

This review was heard by videoconference on November 4, 2025.

The Landlord's legal representative, Elaine Paige, and all of the Tenants, with the exception of Martin Flores, attended the hearing. Evan Beccerril, the Tenant's agent, support person and translator also attended the hearing.

Determinations:

Request for Review – Not Reasonably Able to Participate – Serious Error

1. Based on the evidence of the Landlord's legal representative, I am satisfied that they were not reasonably able to participate in the September 23, 2025 hearing on the basis that they did not receive notice of the hearing.
2. The Board emailed a copy of the Notice of Hearing to the Landlord and their legal representative on July 23, 2025 based on their consent to disclosure from the Board by email. The Board also mailed a copy of the hearing documents to the Landlord's legal representative on August 5, 2025.
3. It is important to note that the original hearing for the L1 application was scheduled on July 15, 2025 and was adjourned on consent because the Tenants had provided late disclosure evidence to the Board, but they had not provided the Landlord or their representative a copy of their evidence.
4. As it turns out, the evidence the Tenants submitted was with respect to a claim that the N4 Notice of termination was invalid for not accurately reflecting payments made by the Tenants.
5. On this basis, the Landlord requested that the review be granted based on a serious error in the proceedings as they also agreed that the N4 Notice was invalid on its face for indicating the wrong amount of rent arrears based on the evidence the Tenants had submitted. The Landlord wanted to withdraw the application on this basis rather than have it deemed abandoned.
6. The Landlord's representative indicated that they only just received the hearing package a few days prior to the review hearing that was mailed to them in August. They submit that a neighbouring unit received the package and held on to it before delivering it to the Landlord's representative.
7. The Tenants could not provide any evidence supporting the fact that the Landlord was in receipt of the hearing documents prior to the days prior to the review hearing.
8. Accordingly, I accept the Landlord's evidence that they were not aware of the hearing and on this basis and I granted their request to review the order and proceeded to hear the L1 application de novo. I am satisfied of both, that there was an error in the proceedings and that the Landlord was not reasonably able to participate in the proceedings.

L1 Application De Novo

9. The Landlord requested to withdraw the application, and I consented to their request.
10. The Tenants were opposed to the request to withdraw and preferred that I dismiss the Landlord's application with prejudice so the Landlord would not be entitled to claim the same period for rent arrears.
11. The Board has not made a determination with respect to the amount of rent that may be owing, therefore, the Landlord is not prejudiced in making a new application based on the rent arrears should they be owing for any particular period.
12. The Tenants submitted that they had their own issues which they wanted to raise pursuant to subsection 82(1) of the *Residential Tenancies Act, 2006* (the 'Act'), however, they had

not provide the Board nor the Landlord a copy of their list relating to the issues as required and it would be unfair to permit the issues to be raised without any advance notice to the Landlord or the Board. This does not stop the Tenants from filing their own application should they feel it is appropriate to do so.

It is ordered that:

1. The request to review order LTB-L-033228-25 issued on October 9, 2025 is granted. The order is cancelled and replaced with the following order:
2. The Landlord's application is withdrawn, and the Board's file is now closed.

January 8, 2026

Date Issued

Terri van Huisstede

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.