



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

Citation: Wang v Chan, 2026 ONLTB 3186

Date: 2026-01-15

File Number: LTB-L-072771-25-RV

In the matter of: UNIT 1506, 29 ROSEBANK DR
SCARBOROUGH ON M1B5Y7

Between: Xiuying Wang Landlord

And

Cheuk Kin Chan Tenant

Review Order

Xiuying Wang (the 'Landlord') applied for an order requiring Cheuk Kin Chan (the 'Tenant') to pay the rent that the Tenant owes.

This application was resolved by order LTB-L-072771-25 issued on December 1, 2025.

On December 2, 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 December 2, 2025, interim order LTB-L-072771-25-RV-IN was issued, staying the order issued on December 1, 2025.

The review request was heard by videoconference on December 16, 2025.

The Landlord's legal representative, Tom Li, and the Tenant attended the hearing.

Determinations:

1. For the following reasons, the Tenant's request for review must be denied.
2. The Tenant says he was not reasonably able to participate in the hearing that occurred on November 6, 2025, because he was unaware of the hearing. The Board's file indicates that the Board served the Tenant with the notice of hearing by mail on September 18, 2025. However, the Tenant says that he moved out of that address on September 9, 2025, and he did not have his mail forwarded to his new address. The Tenant says he failed to have his mail forwarded because he was unaware that this service is provided by Canada Post.
3. The Tenant admits that he received a 12-page information package from the Landlord on October 30, 2025. This package included the Landlord's hearing update sheet as well as screen shots of several text messages between the Landlord and the Tenant.

4. The Tenant says he received this package, but then took no steps to determine why the Landlord had sent this package to him or whether there was a hearing scheduled. The Tenant says he did not contact the Board, did not ask the Landlord about a hearing and did not contact his local legal aid clinic. Instead, the Tenant says he assumed the Board would contact him with a PIN to access the portal and information about any upcoming hearing.
5. While I find the Tenant's testimony to be credible on this point, I find that the Tenant's approach to the Landlord's application stands in stark contrast to his approach regarding his own application. The Tenant says that he filed his own T1 application (LTB-T-079528-25) and took steps to obtain a PIN and navigate through the Board's portal. The Board's file indicates that the Tenant filed his own application on September 22, 2025. The Tenant says, once he received the Landlord's disclosure package on October 30th, he "spent time on the portal to find out what was happening" with his own application. The Tenant says that the Board sent him a PIN to access the portal regarding his own application, and he assumed the Board would do the same thing regarding the Landlord's application.
6. The problem here is that the Tenant admits he received the Landlord's disclosure package for the hearing on November 6, 2025, but he also admits that he failed to take any steps to determine whether a hearing was scheduled. This is despite the fact that the Landlord's update sheet clearly indicates that the Landlord has filed an "L1/L9 application" and clearly indicates the file number for the application.
7. In addition, the Tenant admits that he immediately contacted the Landlord to ask questions about the amount of arrears they were claiming. However, at no time did the Tenant ask the Landlord if a hearing was scheduled or how to attend that hearing.
8. In considering the Tenant's request for review, I am guided by the principles outlined in Guideline 8 of the Board's *Interpretation Guidelines* which says,

The **LTB will refuse requests** where the requestor's absence was the result of negligence or **it finds no reasonable explanation for the failure to attend**. *1474367 Ontario Inc. v. Millien*, 2011 ONSC 1563; *TSL-67802-15-RV(Re)*, 2016 CanLII 1738 (ON LTB); *NOL-08906-12-RV (Re)*, 2012 CanLII 59993 (ON LTB); *TNL-19146-11-RV (Re)*, 2011 CanLII 71522 (ON LTB). [Emphases added]

9. While I am not bound by the principles set out in the Guidelines, I see no reason to depart from these principles in this instance.
10. Based on the Tenant's own admission, I find that the Tenant has failed to provide a reasonable explanation for his failure to attend the hearing on November 6, 2025. The Tenant filed his own application, and by his own admission, he became familiar with the Board's portal and how to navigate it. The Tenant knew that the Landlord had filed an application against him and knew the exact amount the Landlord was claiming. However, despite this knowledge, the Tenant failed to take any reasonable steps to determine if a hearing was scheduled for the Landlord's application.
11. The Tenant could have contacted the Board directly, quoted the Landlord's file number, and found out the hearing time, date and location. The Tenant could have contacted the Landlord to ask these same questions. The Tenant could have contacted the Landlord's

legal representative, whose name is listed on the update sheet, to find out the hearing details. The Tenant could have contacted his local legal aid clinic who could have assisted him with any of these steps. Instead, the Tenant chose to do nothing.

12. The Tenant cannot expect to pursue a successful review request after simply sitting on his hands and failing to either contact the Board, the Landlord, the Landlord's legal representative or a legal aid clinic. The Tenant's failure to take these reasonable steps does not justify the Tenant's failure to attend the hearing and, I am therefore not satisfied that the Tenant was not reasonably able to participate in the November 6, 2025, hearing. For these reasons, the Tenant's review request must be denied.

It is ordered that:

1. The Tenant's request to review order LTB-L-072771-25 issued on December 1, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on December 2, 2025, is cancelled. The stay of order LTB-L-072771-25 is lifted immediately.

January 15, 2026
Date Issued

Laura Hartsliet
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.