



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

Citation: Hewitt v Byam, 2026 ONLTB 4509

Date: 2026-01-16

File Number: LTB-L-059639-25-RV

In the matter of: 81 Peter Ave
Chelmsford ON P0M1L0

Between: Liana Gwendolyn Hewitt Landlord

And

Crystal Byam Tenant

Review Order

Liana Gwendolyn Hewitt (the 'Landlord') applied for an order to terminate the tenancy and evict Crystal Byam (the 'Tenant') because the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-059639-25 issued on November 14, 2025. Only the Landlord and the Landlord's witness attended the original hearing on November 10, 2025.

On December 12, 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 15, 2025, interim order LTB-L-059639-25-RV-IN was issued, staying the order issued on November 14, 2025.

This review was heard by videoconference on January 7, 2026.

The Landlord, the Tenant's support (daughter), Desiree McGinty, and the Tenant attended the hearing. The Tenant met with tenant duty counsel prior to the hearing.

Determinations:

1. For the following reasons, the Tenant's request to review order LTB-L-059639-25 issued on November 14, 2025 is denied.
2. The Tenant admitted that she had received the Notice of Hearing but stated that "*for whatever reason*", she thought the hearing date was November 14, 2025, not November 10, 2025.
3. The Tenant stated that her spouse died in 2024 which caused her depression. As a result, she has difficulty remembering appointments, despite writing them on a calendar and setting alarms.

4. The Tenant stated that she lives in the unit with her autistic son (27 years old), daughter and grandchildren. She said that her daughter was not available on the day of the hearing to remind her because she was busy tending to her grandchildren.
5. On the basis of the evidence before me, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding. The Tenant admitted that she had received the Notice of Hearing. There is no evidence that she was unable to attend the hearing. She simply believed the hearing was on another date. In other words, she missed the hearing because of her own lack of due diligence by not correctly noting the hearing date. That is different from not being reasonably able to participate.
6. Parties are required to act with diligence in proceedings before the LTB. If a party fails to attend a hearing because of their own lack of diligence, they cannot then demand that the LTB waste its resources to hear the matter again. "To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders": *Q Res IV Operating GP Inc. v. Berezovs'ka*, para. 8.
7. As such, the Tenant's request to review order LTB-L-059639-25 issued on November 14, 2025 is denied

Lifting the Stay

8. The Tenant stated that her daughter and grandchildren have already found a new place to live but that it is not possible for the Tenant and her autistic son to stay with them. She stated that her only source of income is her widow's pension, although she is expecting to receive OW payments in the future. She requested as much time as possible to move.
9. The Landlord requested that the stay be lifted as soon as possible, given the length of time the Tenant has already had to find a new place to live (i.e. N12 was served in July of 2025 and the Tenant's request for review has already provided a further extension. She confirmed that her mother (i.e. the person intending to reside in the unit) currently has a place to live in Ottawa.
10. In the circumstances, I find it reasonable to delay lifting the stay until January 31, 2026 to allow the Tenant a little extra time to find a new place to live.

It is ordered that:

1. The request to review order LTB-L-059639-25 issued on November 14, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on December 15, 2025 is cancelled. The stay of order LTB-L-059639-25 is lifted on January 31, 2026.

January 16, 2026
Date Issued

Karen Gonçalves
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.