



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

**Citation:** NEW GLEN INVESTMENTS v FARKAS, 2026 ONLTB 4653

**Date:** 2026-01-13

**File Number:** LTB-L-057054-25-RV

**In the matter of:** 403, 25 STONG CRT  
NORTH YORK ON M3N1P1

**Between:** NEW GLEN INVESTMENTS Landlord

**And**

JANOS FARKAS Tenants  
GYULANE FERKETE

### **Review Order**

NEW GLEN INVESTMENTS (the 'Landlord') applied for an order to terminate the tenancy and evict JANOS FARKAS and GYULANE FERKETE (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-057054-25 issued on October 14, 2025 and based on a hearing that took place on October 7, 2025 where the Tenants did not attend.

On October 22, 2025, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On October 22, 2025 interim order LTB-L-057054-25-RV-IN was issued, staying the order issued on October 14, 2025. The Tenants alleged that they were not reasonably able to participate in the hearing.

This review was heard by videoconference on November 18, 2025.

The Landlord's legal representative, Emily Barbatu, the Tenant, Gyulane Ferkete, their daughter, Hungarian interpreter and agent, Nikolaat Farkas, and the Tenants legal representative, Noland Merrick, attended the hearing.

The other named Tenant, Janos Farkas, signed in for the hearing, however, they disconnected from the hearing at 11:09am and did not return. There was no request to adjourn the hearing, so the matter proceeded with the remaining parties present.

**Determinations:**

1. The Tenant alleged that they were not reasonably able to participate in the October 7, 2025 hearing on the basis that they only speak Hungarian and therefore they did not understand the Notice of Hearing. After they received the order issued on October 14, 2025, they immediately went to a legal clinic to obtain advice about the order after speaking with someone in her community.
2. The Tenants do not dispute receiving the Notice of Hearing which was mailed to them at the rental unit address on August 18, 2025. The LTB's records reflects that they were not returned to the LTB for either named Tenant. Accordingly, their Notices of Hearing were deemed served by mail on August 23, 2025.
3. At the hearing, the Tenant admitted that she was unsure what the documents meant because she does not understand English and that she put them into a cupboard and left them there. She took no steps to bring them to the attention of her daughter, who does speak English and no effort to take them to someone that may be able to translate them for her.
4. At this review hearing, the Tenants daughter submits that she was not made aware of the hearing notices for the October 7<sup>th</sup> hearing, but her parents did show her the Notice of Hearing for this review and a copy of the order that was issued on October 14<sup>th</sup> and she assisted in translating the documents for her parents.

**Analysis**

5. In *Sutherland v. Lamontagne*, [2008] O.J. No. 5763 (Ont. Div. Ct.) the tenant had dialled into the telephone hearing five minutes late and was not able to join the hearing. The Court held the tenant was not reasonably able to participate.
6. Similarly, in *Decosse v. Isles of Innisfree Non Profit Homes*, [2012] O.J. No. 964 (Ont. Div. Ct.) the tenant attended multiple hearing dates but on the final day arrived 20 minutes late and was not able to join the hearing. Again, the Court found they were not reasonably able to participate. In all of these cases there was some evidence that the tenant had made attempts to participate. That is not the case before me.
7. In *Q Res IV Operating GP Inc v. Berezovs'ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII), the Divisional Court affirmed a party to a Board application is required to exercise reasonable diligence to be aware of and to attend the scheduled Board hearing. In that case, the Court upheld the Board's finding that the landlord failed to take note of the Board's notice of hearing, which the Board served on the parties by regular mail. The Court found that the Board served the notice by mail, that the Act deemed the landlord to have received the notice five days later, and that Canada Post did not return the Board's mail as undeliverable. It was therefore reasonable for the Board to conclude that the landlord had failed to exercise reasonable diligence to identify and take note of the notice of hearing.
8. While I can accept that the Tenants struggle with the reading the English language, I am unable to find that the Tenants acted with reasonable diligence to attend the hearing on October 7<sup>th</sup>. I say this because they admit to having received the hearing notice in August and they took no steps to inquire as to what the document was about and instead placed it

in a cupboard. They had over a month to show the paperwork to someone if they did not understand what it was about, which they only did after they received a copy of the order

9. In keeping with the Divisional Court's decision in *Q Res IV Operating GP Inc*, I similarly find that it is more likely than not that the Tenants did not take note of the Board's Notice of Hearing package and did not act diligently to translate the document in order to ensure their attendance at the October 7<sup>th</sup> hearing.
10. Accordingly, the Tenants request to review the October 14, 2025 order shall therefore be denied.
11. I accept that the Tenants both have numerous ailments which may impede their ability to vacate the rental unit on short notice and the Tenants requested they be given at least three weeks to vacate the rental unit. The Landlord was not opposed to giving them additional time beyond 30 days at the review hearing.
12. Considering the time that has passed since the review hearing and the original hearing, I find that providing the Tenants until January 31, 2026 before lifting the stay is appropriate under all of the circumstances.

**It is ordered that:**

1. The request to review order LTB-L-057054-25 issued on October 14, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on October 22, 2025 is cancelled. The stay of order LTB-L-057054-25 is lifted January 31, 2026.

**January 13, 2026**  
**Date Issued**

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Terri van Huisstede  
Member, Landlord and Tenant Board

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