



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

Citation: Deutschmann v Delormier, 2026 ONLTB 522

Date: 2026-01-21

File Number: LTB-L-053675-25-RV-AM

In the matter of: Unit 2, 742 QUEEN ST
KINCARDINE ON N2Z2Z5

Between: Herbert Deutschmann Landlord

And

Christine Delormier Tenant

Review Order

This amended order is issued to correct a clerical error in the original order. The correction has been bolded and underlined for ease of reference.

Herbert Deutschmann (the 'Landlord') applied for an order to terminate the tenancy and evict Christine Delormier (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-053675-25 issued on November 12, 2025.

On December 2, 2025, the Tenant requested a review of the order.

On December 3, 2025, interim order LTB-L-053675-25-RV-IN was issued, staying the order issued on November 12, 2025.

This application was heard by videoconference on December 17, 2025.

The Landlord, the Landlord's Legal Representative Jacqueline Armstrong and the Tenant attended the hearing.

Determinations:

1. Based on 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 request to review, the Tenant submits that she never received any notice of hearing for the original L1/L2 application scheduled to be heard on its merits on November 6, 2025.
3. As a procedural note, at the original hearing the Landlord made a request to withdraw the L2 application. The request was granted by the presiding Member. The order dismissing the application as withdrawn is not under review. The Tenant seeks to review the final order relating only to arrears of rent (the L1 application).

4. The Tenant submits in her request to review that the Landlord's Legal Representative informed her on November 20, 2025 that the Sheriff could evict her as of November 23, 2025. The Landlord's Legal Representative advised her that a hearing had been held on November 6, 2025 and that they had emailed her a disclosure package on October 30, 2025, in advance of the hearing.
5. The Tenant maintains that November 20, 2025 was the first time she heard about an LTB hearing.
6. She testified that she only received a copy of the final order by mail on November 22, 2025, although the order was issued on November 12, 2025. She filed the request to review that same day.
7. There is no dispute that the Tenant received the Landlord's disclosure package by email. However, she contends that she only discovered the email in her junk folder on November 23, 2025 and there was no reference to an upcoming hearing date in the 128-page PDF.
8. The Tenant claimed at this hearing that she left the rental unit temporarily on October 30, 2025 and on October 31, 2025, she filed a request to Canada Post to have her mail forwarded to a different address. She did not inform the LTB or the Landlord directly of her change in address.
9. As I understand it, her position is that she received the final order late because the post office had incorrectly named the street direction on the mail (North vs South) with respect to her forwarded address.
10. The Landlord does not disagree that they did not specify the hearing date and time in the email subject lines when emailing the disclosure documents to the Tenant. However, the Landlord's Legal Representative points to the content of the Landlord's Document Brief attached to the email served on October 30, 2025. At the very first tab, on page 4 of the Brief, is a copy of the LTB's Notice of Hearing for the November 6, 2025 hearing date.
11. The Landlord uses Mailsuite, a program which tracks the recipient's history of viewing emails sent to them. The Landlord's evidence is that on October 31, 2025, the Tenant opened the email containing their Document Brief, as well as an additional email attaching an amended L1/L2 application and the L1/L9 update documents which the Landlord had also emailed to her on the same day.
12. The Mailsuite records submitted show that the Tenant viewed the disclosure emails 4 times on October 31, 2025; 3 times on November 1, 2025; and 15 times on November 3, 2025. In other words, the Tenant viewed these emails prior to the hearing date.
13. In response, the Tenant maintains that she only received one 128-page document by email from the Landlords and the package did not include a Notice of Hearing.

Analysis

14. On September 16, 2025, the LTB emailed to the Landlords a copy of the Notice of Hearing for the L1/L2 application scheduled to be heard on November 6, 2025.
15. On September 17, 2025, the LTB mailed a copy of the Notice of Hearing to the Tenant at the rental unit address. The Notice of Hearing was not returned to the LTB by Canada Post as "undeliverable". Canada Post was not on strike at the time.

16. In accordance with Rule 3.9 of the LTB Rules of Procedure, mail is deemed served on the fifth day after mailing, which in this case would be **September 22**, 2025.
17. The Tenant was unable to provide sufficiently persuasive evidence that she did not receive the Notice of Hearing the LTB mailed to her on September 17, 2025, which was 6 weeks before she began having her mail forwarded to a different location.
18. Based on the preponderance of the evidence, I prefer the Landlord's evidence, which was more compelling as it was supported by convincing documentation.
19. I do not accept that the Tenant did not receive and read the disclosure package emails prior to the original hearing. The Landlord's unchallenged evidence is that contrary to the Tenant finding the emails in her junk mailbox after the original hearing was completed, the Tenant did, in fact, open these emails multiple times in the six days before the hearing. It is uncontested that the Landlord's Document Brief includes a copy of the Notice of Hearing and that it is the first document included in the PDF.
20. I have considered that none of the documents or briefs the Landlords served and filed consist of 128 pages as the Tenant claims: the Document Brief is 158 pages; the Factum is 17 pages; the amended Application is 18 pages; the L1/L9 Update form is 2 pages, and the Supplementary Document Brief filed on November 4, 2025 is 9 pages.
21. The Tenant did not lead any evidence to prove that she had received a 128-page PDF in order to rebut the Landlord's evidence.
22. On balance, I am not persuaded that the Tenant genuinely intended to participate in the hearing. I find the Tenant was aware of, or ought reasonably to have been aware of, the hearing scheduled on November 6, 2025 and she chose not to attend.
23. On the basis of the above, the request to review is denied.

It is ordered that:

1. The request to review order LTB-L-053675-25 issued on is denied. The order is confirmed and remains unchanged.
2. The interim order issued on is cancelled. The stay of order LTB-L-053675-25 is lifted on January 18, 2026.

January 7, 2026
Date Issued

Elle Venhola
Member, Landlord and Tenant Board

January 21, 2026
Date Amended

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.