



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

File Number: LTB-L-079441-25-RV

In the matter of: 1900, 170 LEES AVE
OTTAWA ON K1S5G5

Between: HAMA Investments Limited Landlord

And

Minjie Cao Tenant

Review Order

HAMA Investments Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Minjie Cao (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was resolved by order LTB-L-079441-25 issued on December 8, 2025. The application was heard on December 1, 2025 at 1:58 p.m. Only the Landlord's Legal Representative attended the hearing.

On December 9, 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 10, 2025 interim order LTB-L-079441-25-RV-IN was issued, staying the order issued on December 8, 2025.

This request to review was heard by videoconference on January 6, 2026.

The Landlord's Legal Representative, Tamana Jabbar, and the Tenant attended the hearing.

Determinations:

1. On the basis of the submissions before the Board, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding. Accordingly, the Tenant's request for review must be denied.
2. The Tenant testified that he did not receive the Notice of Hearing.
3. The Tenant testified that he was in an accident on July 14, 2025 and suffered mental and physical difficulties.

4. The Tenant testified that he had someone assist him file the request to review and that he did not understand the interim order issued on December 10, 2025.
5. The Tenant testified that he did not have access to Internet until maybe December 5 or 6, 2025. The Tenant testified that he does not remember when he lost access to phone or Internet services.
6. The Tenant testified that he stopped physical therapy and stopped seeing a therapist in October 2025 as his insurance coverage was spent.
7. The Landlord's Legal Representative opposed the Tenant's review request submitting that the parties were previously before the Board for LTB-L-075413-24 and that the Landlord served the Tenant with the L1/L9 Information Update form on November 18, 2025 in advance of the December 1, 2025 hearing.
8. Based on the evidence before the Board, I am not persuaded that the Tenant was unaware of the hearing and therefore was reasonably able to participate in the proceedings. I say this for the following reasons.
9. There is no indication in the Board's records that the application and the Notice of Hearing, which were mailed to the Tenant on October 22, 2025, were returned to the Board's office undelivered. These documents were deemed served five days after they were placed in the mail pursuant to section 191(3) of the *Residential Tenancies Act, 2006* (the "Act").
10. The Board also emailed the Tenant the Notice of Hearing on September 23, 2025. There is no record that the email was undeliverable. The email address used by the Board was minjiecao@outlook.com which the Tenant, at the hearing, confirmed is his email address. Board records also show that the Board notified the Tenant of the application and provided the Tenant with the PIN to the Tribunals Ontario Portal via email on September 22, 2025.
11. While the Tenant testified that he suffered health issues due to an accident, the Tenant provided no documentary evidence to support this claim. The Tenant's testimony was vague. The Tenant offered no explanation as to why or when he lost and regained access to phone or Internet services. Even if I accept the Tenant had health issues, there was no explanation as to why the Tenant did not have anyone assisting him or why he was unable to access his email elsewhere. The Tenant's belief that the Notice of Hearing was delivered to the wrong mailbox is speculative. There is no evidence before the Board to suggest that the mail was not delivered to the Tenant's mailbox.
12. In *Q Res IV Operating GP Inc. v. Berezov'ka*, 2017 ONSC 5541, the Divisional Court upheld the Board's decision to deny a review where the reviewing party claimed they were not reasonably able to participate in a hearing because they did not receive documents in the mail. It was determined that the party had shown a lack of diligence in dealing with legal proceedings and they were, therefore, reasonably able to participate in the hearing. The Court found the Board's determination to be reasonable and that it was "highly unlikely that the documents sent to the correct address went astray in the postal system" after considering the following evidence:
 - (a) The fact that the Notice of Hearing and the Order were mailed to the landlord's correct corporate address for service;

(b) The fact that under the Act a mailed document is deemed to be received 5 days later; and

(c) The fact that neither the Notice of Hearing nor the Order were returned to the Board by Canada Post.

13. Applying the Court's decision to the request before me and given the Tenant's failure to produce any documentary evidence, I am not satisfied that the Tenant did not receive the Notice of Hearing and therefore, I find that the Tenant was afforded the opportunity to participate in the hearing on December 1 , 2025.
14. With respect to when to lift the stay on the eviction order, the Tenant requested the Board delay lifting the stay for 60 days. The Landlord requested that the stay be lifted immediately.
15. At the hearing, the parties were informed of my decision to deny the request to review and the Tenant was encouraged to start the process of vacating the rental unit.
16. Given the amount of arrears owed and that fact that the arrears will likely continue to increase until the Tenant vacates the rental unit, I find it unfair to delay the lifting of the stay. In making this determination, I also considered that the Sheriff may take some time to enforce the eviction order if the Landlord files with the enforcement office.

It is ordered that:

1. The request to review order LTB-L-079441-25 issued on December 8, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on December 10, 2025 is cancelled. The stay of order LTB-L-079441-25 is lifted immediately.

January 26, 2026
Date Issued

Vicky Liu
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.