



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

File Number: LTB-T-034870-25-RV

In the matter of: 41, 1532 Lancaster Drive
Oakville ON L6H2Z3

Between: Debra PettipiereBell Tenant

And

Goran Dimitrijevik Landlords
Gabriela Dimiskovska-Dimitrijevik

Review Order

Debra PettipiereBell (the 'Tenant') applied for an order determining that Goran Dimitrijevik (the 'Landlord') collected or retained money illegally.

This application was resolved by order LTB-T-034870-25 issued on November 14, 2025 as abandoned by the Tenant.

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 16, 2025 interim order LTB-T-034870-25-RV-IN was issued, staying the order issued on November 14, 2025.

This review was heard by videoconference on January 13, 2026.

The Tenant and the Landlord attended the review hearing.

Determinations:

1. On the basis of the submissions made in the request, I am satisfied that the Tenant was not reasonably able to participate in the proceeding.
2. The Tenant did not dispute receiving the hearing notice. What happened was that on the day of the hearing, the Tenant left for work early due to poor winter weather conditions. They did not have a computer or cell phone and required the use of their work phone in order to participate in the hearing. Despite leaving early, there were accidents on the roads which delayed her ability to get to work by 9:00am. They only got to work by 9:37am and immediately called into the hearing to find that the matter had already been called and an order would issue that indicated the Tenant abandoned their application.

3. The Landlord did dispute the review request and submitted that the Tenant ought to have made alternative arrangements knowing that the weather may be an issue and failed to take reasonable steps in advance of the hearing to ensure their attendance in this regard.
4. While I do accept that perhaps the Tenant could have made alternative arrangements, I also accept that the weather conditions on the November 10th hearing date were hazardous which caused the Tenant to be late signing in for the hearing.
5. In *King-Winton v. Doverhold Investments Ltd.*, [2008] O.J. No. 4697 (Ont. Div. Ct.) the tenant did not attend the hearing because she misread the notice of hearing and got the dates mixed up. The Divisional Court ruled the Board should have granted her request to review on the grounds of not reasonably able to participate because the tenant genuinely intended all along to participate and otherwise, she would be denied the right to be heard. The Court stated: "Being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less." Another consideration in *King-Winton* was that the tenant in that case had demonstrated an intention to pursue the proceedings which is similar to the current case.
6. In *Sutherland v. Lamontagne*, [2008] O.J. No. 5763 (Ont. Div. Ct.) the tenant in that case dialled in for a telephone hearing five minutes late and the Court held the Board should have granted the subsequent request for review.
7. In *Wright v. Lallion*, 2024 ONSC 4132 at para 11, the Divisional Court states "The LTB has the authority to control its own process, and to do so efficiently, provided that it is also fair. The requirements for fairness are context-specific, including due regard for the LTB's procedural choices. The other relevant factors that inform what procedural fairness will require include the importance of the decision to the individuals affected by it and the legitimate expectations of the persons challenging the Decision. In this case, those persons submit that they expected, and fairness required, a hearing in which they could participate."
8. Finally, 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. The Court held that the review request should have been heard.
9. What all of the Divisional Court cases have in common is the notion of fairness: a party who does not know about a hearing should have a chance to participate in a new one; a party that knows about the hearing and genuinely wants to participate but does not, should still have an opportunity to be heard. This review involves the latter kind of case.
10. On this basis, I granted the Tenant's request for review and considered the application de novo.

De Novo - set-off - Consent

11. After taking submissions from the Tenant and hearing their evidence and upon considering the Landlord's circumstances, the parties began negotiating a consent agreement during the hearing to which I assisted.

12. The application is amended on consent to include the second Landlord, Gabriela Dimiskovska-Dimitrijevik.
13. The Landlord has a previous order for rent arrears under LTB-L-041004-25 issued on August 12, 2025 and amended on September 3, 2025 where the Tenant owes \$3,193.65 to the Landlord. This amount shall be set-off to fully satisfy the Tenants claims under the Tenants applications. Accordingly, the Tenant owes \$0.00 relating to that order and the Landlords shall not pursue or collect on that order.
14. Additionally, the Landlords indicated an intention to file an L10 application to pursue damages to the rental unit because the Tenant vacated the rental unit on July 3, 2025 and the Landlords still had time to file the application prior to the one year limitation period.
15. However, as part of the resolution the Landlords concede not to file any further application or pursue any damage claim against the Tenant.
16. Without an admission of liability for the damage claim and in full resolution of all issues relating to the tenancy as of the hearing date, the parties finally agreed to waive everything in order to resolve and put to rest the relationship between them. Essentially, neither party owes the other anything relating to the tenancy.
17. I see no reason to deny the parties joint request.

It is ordered that:

1. The request to review order LTB-T-034870-25 issued on November 14, 2025 is granted. The order is cancelled and replaced with the following order on consent:
2. The application is amended to include Gabriela Dimiskovska-Dimitrijevik as a named Landlord.
3. The rent arrears and costs ordered under the Landlords' L1 application pursuant to file LTB-L-041004-25 as amended and issued on September 3, 2025 in the amount of \$3,193.65 is set-off in satisfaction of the Tenant's T1 application and is reduced to \$0.00. The Landlords shall not pursue or collect on that order.
4. This order resolves all issues between the parties relating to the tenancy including any previous or future claims relating to the tenancy.

January 30, 2026
Date Issued

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.