



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

File Number: LTB-T-034152-25-RV

In the matter of: 755 1/2 DUNDAS ST EAST
LONDON ON N5W2Z6

Between: Steven Phillip Hammond Tenant

And

Jason Tudge Landlord
Heather Jovichevich

Review Order

Steven Phillip Hammond (the 'Tenant') applied for an order determining that Jason Tudge and Heather Jovichevich (the 'Landlord') failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was resolved by order LTB-T-034152-25 issued on August 11, 2025.

On December 9, 2025, the Tenant requested a review of the order.

On December 10, 2025 interim order LTB-T-034152-25-RV-IN was issued, staying the order issued on August 11, 2025.

This application was heard by videoconference on January 27, 2026.

The Landlord's legal representative Wendy Cavacas, the Tenant's legal representative Patrick Pacheco, and the Tenant attended the hearing.

Determinations:

Request to Review

1. The Tenant filed a request to review, alleging that he was unable to participate in the Adjudicative Case Conference held on August 5, 2025. The T6 application was originally filed on January 2, 2025.
2. The Tenant testified that the parties had previously participated in a hearing where they consented to terminate the tenancy (LTB-L-022791-25). The Tenant vacated the rental unit near the end of June 2025 and subsequently spent several weeks "living by the river" without a permanent address. He further submitted that he did not have access to a

computer to notify the Board of his change of address, though he did have an active telephone number during that time.

3. The Tenant stated that while residing at the rental unit he experienced issues receiving mail, including pension cheques. He confirmed that he did not file an application with the Board regarding these alleged mail delivery issues.
4. The Tenant acknowledged that he contacted his representative, Mr. Pacheco, in June or July 2025, prior to the August 5, 2025 Adjudicative Case Conference. He stated that he never received a Notice of Hearing and did not intend to abandon his application.
5. The Board sought clarification from Mr. Pacheco regarding his knowledge of the hearing date. The Board heard from Mr. Pacheco that on May 2, 2025, the Board issued a notice of deficiency to the Tenant because his application did not include the Landlord's address. On May 20, 2025, Mr. Pacheco, acting on the Tenant's behalf, emailed the Board with the Landlord's mailing address. On May 27, 2025, the Board emailed Mr. Pacheco to inquire whether he required a PIN to access the application on TOP as the Tenant's legal representative. Later the same day, Mr. Pacheco confirmed that he wished to receive a PIN. On June 2, 2025, at 2:14 p.m., the Board sent Mr. Pacheco the PIN required to access the application on TOP.
6. Mr. Pacheco submitted that he was not retained by the Tenant between June 2, 2025 and December 19, 2025, the date on which he filed the request to review. He further stated that he did not use the PIN provided to him to access the file on TOP and therefore could not have been aware of the Notice of Hearing issued on May 29, 2025.

Analysis

7. The Board must determine whether the Tenant was reasonably able to participate at the original hearing date. The chronology of events is therefore essential in assessing whether the Tenant knew, or ought to have known, of the scheduled hearing.
8. Upon review of the Board's records, the Notice of Hearing was mailed to the rental unit on June 2, 2025. The Notice of Hearing was not returned to the Board as undeliverable. The records also show that Mr. Pacheco accessed the file on June 4, 2025, at which time he updated his consent to receive documents by email. To confirm this, it is noted that on August 11, 2025, the Board sent the order abandoning the application to Mr. Pacheco by email.
9. In the Tenant's request to review, he stated that he did not receive the August 11, 2025 abandoned order because it had been delivered to the rental unit, which he had already vacated. This assertion is incorrect. The order was sent to Mr. Pacheco, not to the rental unit.

10. The Board's records clearly establish that Mr. Pacheco remained the Tenant's representative from June 2, 2025 onward and did not remove himself from the record. The Board's records also confirm that the Notice of Hearing was sent to the Tenant while he was still residing in the rental unit. I do not accept the Tenant's evidence regarding alleged mail delivery issues. Had such issues existed, I would have expected the Tenant to provide specific evidence, such as dates and details of any communications with the Landlord about the problem. Additionally, the Tenant testified that he encountered difficulties receiving his pension cheques however he provided no documentary evidence of any inquiries or complaints made to address those issues. As noted above, the Notice of Hearing was not returned to the Board as undelivered.
11. As stated by the Court in *Q Res IV Operating CP Inc. v. Berezovska* [2017 ONSC 5541](#), "If parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely cost-effective and final orders."
12. I find that the Tenant had an adequate opportunity to participate on August 5, 2025 as the Notice of Hearing was properly served to the Tenant and the Tenant's representative accessed TOP after the Notice of Hearing was issued. The Tenant's inconsistent statement in his request to review lead me to doubt his credibility when testifying at the hearing.
13. On the basis of the submissions made in the request and at the hearing, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-T-034152-25 issued on August 11, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on December 10, 2025 is cancelled.

February 10, 2026
Date Issued

Brett Lockwood
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.