



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

Citation: CHIESA v KIVI, 2026 ONLTB 11594

Date: 2026-02-03

File Number: LTB-L-048434-25-RV

In the matter of: 7, 1492 REGENT ST
SUDBURY ON P3E3Z6

Between: Edward Chiesa Landlord

And

Kyle Kivi Tenant

Review Order

Edward Chiesa (the 'Landlord') applied for an order to terminate the tenancy and evict Kyle Kivi (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-048434-25 issued on September 9, 2025.

On September 23, 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 September 23, 2025 interim order LTB-L-048434-25-RV-IN was issued, staying the order issued on September 9, 2025.

This application was heard by videoconference on October 14, 2025.

The Landlord, the Landlord's legal representative, Jennifer Murray, and the Tenant attended the hearing.

Determinations:

1. The Tenant says they did not receive notice of the hearing and makes submissions about information about attempts to find a roommate that they would have presented at the hearing. They request a review on the grounds that they were not reasonably able to participate and that the order contained a serious error.
2. The order does not contain a serious error; it is not an error not to consider information which was not presented at the hearing.
3. The Board sent the notice of hearing to the parties on June 17, 2025. There is no record of any returned mail to suggest the mailed notice was not received by the Tenant.

4. The Landlord filed a certificate of service on August 18, 2025 which stated the L1/L9 update form and the Landlord's evidence was served to the Tenant by placing the documents under the door of the rental unit. The evidence package included the notice of hearing. This document was filed contemporaneously with service and before the issue was service was raised by the Tenant. In my view this increases the reliability of the document. The Landlord's legal representative at review hearing advised that they were present at the service of the documents which was completed by a legal student.
5. While it is not impossible that documents sent by mail are not received by the intended recipient, it is far less likely that two sets of documents delivered by different methods would go astray – particularly when one method was delivery directly to the rental unit overseen by a legal representative. I do not find the Tenant's assertion that they didn't receive either copy of the notice of hearing to be credible.
6. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-048434-25 issued on September 9, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on September 23, 2025 is cancelled. The stay of order LTB-L-048434-25 is lifted immediately.

February 3, 2026

Date Issued

Dawn Carr

Member, Landlord and Tenant Board

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.