



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

File Number: LTB-L-079620-25-RV

In the matter of: Main Floor, 1665 Avonmore Sq
PICKERING ON L1V7H2

Between: Vijay Joshi Landlord
Veena Joshi

And

TRACY DITTMER Tenant
KEVIN MATHERSON

Review Order

Vijay Joshi and Veena Joshi (the 'Landlord') applied for an order to terminate the tenancy and evict TRACY DITTMER and KEVIN MATHERSON (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-079620-25 issued on January 9, 2026.

The Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On January 14, 2026 interim order LTB-L-079620-25-RV-IN was issued, staying the order issued on January 9, 2026.

This review hearing was heard by videoconference on February 3, 2026.

The Landlord and the Tenants attended the hearing.

Determinations:

1. The Tenant, KM stated that he did not attend the hearing held on December 3, 2025 because he had to work, and wasn't able to secure reliable internet. The Tenant, TD stated she didn't attend because she moved out of the rental unit in September 2024 after the couple's relationship broke down.
2. 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 a serious error occurred in the proceedings and/or that the Tenants were not reasonably able to participate in the proceeding.
3. The Notice of Hearing (NoH) was sent to both Tenants, and there was nothing in their evidence that supports a finding they did not never receive the NoH.

4. The Tenants both join this review hearing by telephone. Parties may participate in the LTB proceeding either virtually or by telephone as clearly stated on the NoH. Despite citing unreliable internet access, the Tenant had an alternate method available to them and they provided no explanation for failing to avail themselves of that option on December 3, 2025.
5. The Tenant indicated he had to work on December 3, 2025, but no arrangements were made to send an authorized representative to attend the hearing on their behalf. The NoH clearly advises parties of this option.
6. On a balance of probabilities, I find the Tenants had adequate notice of the hearing and consciously elected not to attend the hearing likely as a means of avoiding the legal proceedings to delay eviction for non-payment of rent or to obtain more time in the unit. To accept the Tenants' submissions as a reasonable basis to grant the review, in my view, would allow for an abuse of process since the Tenants also do not challenge the calculations and the arrears owing as determined in the order issued January 9, 2026.
7. As stated by the Court in *Q Res IV Operating CP Inc. v. Berezovska* 2017 ONSC 5541, "[I]f 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. The Tenant's were not prevented from participating in the hearing.
8. The Tenant, KM requested that TD's name be removed from the Order that was issued on January 9, 2026, so that the Landlord can only enforce the order against KM. Based on the submissions before me this is a joint tenancy between the Landlord and both Tenants which was never severed by agreement. The Tenant, KM also made reference to an bad incident between the Tenant, TD and the Landlord at the rental unit recently which on a balance of probabilities suggests TD has lawful possession of the rental unit.

It is ordered that:

1. The request to review order LTB-L-079620-25 issued on January 9, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on January 14, 2026 is cancelled. The stay of order LTB-L-079620-25 is lifted immediately.

February 13, 2026
Date Issued

Sandra Macchione
Vice Chair, 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.