



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

Citation: SKPM Rents 14 v Asaev, 2026 ONLTB 13643

Date: February 12, 2026

File Number: LTB-L-066037-25-RV

In the matter of: 804, 25 FISHERVILLE RD
NORTH YORK, ON M2R3B7

Between: SKPM Rents 14 Landlord

and

Dimitri Asaev Tenant

REVIEW ORDER

SKPM Rents 14 (the 'Landlord') applied in a L1 application seeking an order to terminate the tenancy and evict Dimitri Asaev (the 'Tenant') because the Landlord claimed that the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed charges related to NSF cheques.

The L1 application was heard by videoconference on October 23, 2025, where only the Landlord attended. The application was resolved by order LTB-L-066037-25 issued on November 20, 2025 (the 'L1 Order') which was a voidable eviction effective November 30, 2025.

On December 23, 2025, the Tenant requested a review and stay of the L1 Order, claiming he was not reasonably able to participate in the L1 proceeding.

Review interim order LTB-L-066037-25-RV-IN was issued on December 24, 2025 staying the L1 Order and directing a review hearing.

The review hearing was conducted by videoconference on January 20, 2026. The Tenant and the Landlord's legal representative Sylwia McArthur (paralegal) attended the hearing.

Determinations:

1. For the reasons explained below, I was not satisfied on a balance of probabilities, that the Tenant was not reasonably able to participate in the L1 proceeding. As a result, the request to review is denied.
2. The L1 hearing was held on October 23, 2025. The LTB's file contains a certificate by LTB staff that the notice of hearing was mailed to the Tenant at the rental unit address on May 9, 2025 (deemed served 5 days later by Rule 3.9 of the Board's *Rules of Procedure*).

3. The Tenant confirmed he received the documents about the hearing but did not understand what was going on. He admitted it was his fault he missed the hearing as he had never had a hearing like this before in his tenancy. He was hoping to ask his son about the documents because he usually receives help from his son.
4. The Tenant expected the Landlord or the Board to call him by phone. Later, his son told the Tenant the hearing was done through the computer; however, the Tenant did not have one. This is when the Tenant realized he had missed the hearing and got his son to help with submitting the request to review.
5. The Landlord's legal representative objected to the review request and submitted that the Tenant had received several updates throughout the process. The Landlord reached out before the hearing but did not hear anything back from the Tenant. It was alleged that this Tenant had zero engagement with the Landlord or their representative to deal with the rent arrears, which were significant by the time of the hearing. The Tenant made no efforts to participate in the proceeding despite receiving various forms, and no good faith payments were made by the Tenant since July, 2025.
6. From the testimony and evidence, I find that the Tenant knew about the hearing and had received the notice of hearing package prior to the hearing. Thereafter, for 5 months he did not consult his son in a timely manner, or reach out to the Landlord, or respond to the Landlord's outreach regarding rent arrears.
7. The Board's power to review a decision may be exercised if a party to a proceeding was not reasonably able to participate in the proceeding. The case law from Divisional Court generally instructs the Board that the meaning of the phrase "not reasonably able to participate" should be interpreted broadly, to ensure natural justice, and where a party shows a genuine intent to participate in a hearing but was prevented from doing so, they should be entitled to a hearing through the review process. A party's genuine intent to participate must be borne out by the evidence which clearly demonstrates the party's intent to participate in the hearing.
8. In *Kathryn King-Winton v. Doverhold Investments* 2008 CANLII 60708 (ON SCDC), the Divisional Court stated: "Being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less.
9. When I consider the evidence, I did not receive any evidence that the Tenant had any genuine intention to participate in the L1 proceedings. There was no evidence from the Tenant to show they did anything before the hearing such as asking his son for help or responding to the Landlord's outreach. The Tenant testified he usually asked his son for help especially with paperwork such as this, but he provided no reasonable explanation why he did not do so in this situation. It was not only the notice of hearing package received from the Board in late May; there were also documents from the Landlord leading up to that such as the N4 notice of termination and L1 application. The Tenant did not consult his son for any of this paperwork prior to the hearing.
10. On a balance of probabilities, I am not satisfied the Tenant was not reasonably able to participate in the L1 hearing held on October 23, 2025. I find that based on the testimony

and evidence, it is more likely than not, that the Tenant failed to exercise due diligence with respect to the Landlord's application and the Board's proceedings.

11. A lack of due diligence is not grounds to grant a request for review. This has been confirmed by the Courts in *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 CanLII (Div. Ct.) paragraph 8 which states:

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. Since the Tenant did not prove on a balance of probabilities that they were not reasonably able to participate in the L1 proceedings, the request for review is denied.

It is ordered that:

13. The request to review order LTB-L-066037-25 issued on November 20, 2025 is denied. The order is confirmed and remains unchanged.
14. Review interim order LTB-L-066037-25-RV-IN issued December 24, 2025 is cancelled.
15. The stay of order LTB-L-066037-25 is lifted immediately.

February 12, 2026
Date Issued

Michelle Tan
Vice Chair, 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.