



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

Citation: Belanco v Bathclair Properties Inc., 2026 ONLTB 14435

Date: 2026-02-18

File Number: LTB-T-059745-25-RV

In the matter of: 201, 1524 BATHURST STREET
TORONTO ON M5P3H3

Between: Nina Belanco Tenant

And

Bathclair Properties Inc Landlord

Review Order

Nina Belanco (the 'Tenant') applied for a reduction of the rent charged for the rental unit due to:

- a reduction or discontinuance in services or facilities provided in respect of the rental unit or the residential complex.

This application was resolved by order LTB-T-059745-25 issued on January 14, 2026.

On January 19, 2026, the Tenant requested a review of the order.

On January 19, 2026, interim order LTB-T-059745-RV-IN was issued, sending the request to a hearing.

This request was heard by videoconference on February 9, 2026.

The Landlord's agent, R. Simpson-McKay, the Landlord's legal representative, S. Whittick, and the Tenant attended the hearing.

Determinations:

1. The Tenant did not attend the merits hearing for her application on January 8, 2026. The Tenant's application was dismissed.
2. The Tenant filed her request for a review alleging that she was not reasonably able to participate in the hearing held on January 8, 2026.

3. The Tenant said that, although she left for Aruba prior to December 5, 2025, and she is still staying in Aruba with her aunt on the day of the review hearing, she found out on December 23, 2025, that the merits hearing was going to take place on January 8, 2026. Therefore, she admits she had notice of the hearing. It is undisputed that she uploaded evidence to the Board's file on December 23, 2025, over two weeks prior to the hearing. However, she said that when she attempted to connect to the hearing on January 8, 2026, she had connectivity issues because of unreliable internet service in Aruba.
4. The Tenant said that her late discovery about the hearing date made it impossible for her to make proper arrangements to attend the hearing on January 8, 2026, and she was therefore not reasonably able to participate in the hearing that day.
5. The Tenant said that she was unable to connect to the hearing by telephone on January 8, 2026, because it is prohibitively expensive to call Canada from there, and she therefore did not even attempt to call in to the hearing to inform the hearing Member that she could not participate by phone.
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 a serious error occurred in the proceedings, or that the Tenant was not reasonably able to participate in the proceeding for the following reasons.
7. The Tenant's evidence about her inability to attend was not consistent, and therefore not credible. She said, at first, that she had to be in Aruba on the day of the hearing because of a medical procedure. However, she later admitted that she goes to Aruba most winters, for multiple months, sometimes three or four months. She was in Aruba the previous winter. She also said that she has been long aware of connectivity issues in Aruba. The Tenant also said that she arranged for someone to monitor her mail, but when she became aware that the Board had mailed the notice of hearing to her mailing address on December 5, 2025, she said that no one had monitored the mail from that date until at least the beginning of February 2026.
8. Consequently, I find that the Tenant knew she was going to be out of her rental unit for many months, and she failed to exercise due diligence to monitor her mail, or to inform the Board that they should email her with the notice of hearing. Even though this lack of diligence resulted in her becoming aware of the hearing a bit later than she otherwise would have, she still had over two weeks' notice of the hearing, and she uploaded her evidence within a sufficient time before the hearing. The Tenant knew about connectivity issues in Aruba, where she goes every winter, and yet she did not exercise the proper diligence to ensure that she would be able to attend the hearing on January 8, 2026. She did not make a quick phone call to the hearing to say that she might have problems attending online by internet, nor did she contact the Landlord to inform them of the problem, and she admits that she had no intention of doing so because of the prohibitive cost. In fact, she informed no one of her alleged attempt to connect until January 14, 2026, six days after the hearing, and the same date the order was issued. I find, therefore, that the Tenant was reasonably able to participate in the hearing, she knew about the hearing, she disclosed evidence for the hearing, but she failed to exercise the proper diligence to ensure that she could attend.

It is ordered that:

1. The request to review order LTB-T-059745-25 issued on January 14, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order LTB-T-059745-25-RV-IN issued on January 19, 2026, is cancelled.

February 18, 2026
Date Issued

Nancy Morris
Member, 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.