



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

Citation: Barrett v Eline, 2026 ONLTB 14473

Date: 2026-02-12

File Number: LTB-L-079647-25-RV

In the matter of: MAIN FLOOR, 48 RIVER DR
ANGUS ON L3W0G8

Between: Rodney Barrett Landlord

And

Andrew Eline Tenants
Kim Barrett

Review Order

Rodney Barrett (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Eline and Kim Barrett (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-079647-25 issued on January 5, 2026. Only the Landlord's representative attended the original hearing on December 9, 2025.

On January 16, 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 20, 2026, interim order LTB-L-079647-25-RV-IN was issued, staying the order issued on January 5, 2026.

This review was heard by videoconference on February 10, 2026.

The Landlord's representative, Sophia Lavimodiere, and one of the Tenants, Kim Barrett ('KB'), attended the hearing.

Determinations:

1. The residential complex is a house split into two rental units. The Tenants live in the main floor unit and the basement is occupied by another tenant. The Tenants and the basement tenant share one locked Canada Post mailbox. Each unit has a key for that mailbox and retrieve their own mail. The Landlord also has a key to the mailbox.

2. The Tenants claim that they did not receive the Notice of Hearing and that they only found out that there had been a hearing in mid-January after receiving a text message from the Landlord. KB stated that the Tenants had not received an N4 notice and were not even aware that there was an application filed against them.
3. With respect to the N4 notice, the Landlord's representative produced copies of four envelopes, two to each of the Tenants [Doc 7282449, pages 8-9]. The letters were sent by the Landlord's representative who stated that one envelope for each of the Tenants contained the N4 notice, the other contained an N5 notice. All four envelopes are post-marked September 3, 2025, which means service of the N4 notice was deemed served on September 8, 2025. The Landlord's representative stated that none of those four envelopes were returned to their office as undelivered. KB subsequently admitted that the Tenants did receive the N4 notice.
4. I do not find the Tenants' claim that they were not aware of the application credible. The Board's file indicates that the Notice of Hearing and the Application were mailed to each of the Tenants on November 5, 2025 which means they were deemed served on November 10, 2025. Neither of those envelopes were returned to the Board. Given that KB did not identify any issues with her mailbox or mail delivery, I find it more likely than not that the Tenants received the Notice of Hearing.
5. The Landlord's representative also produced a letter she sent to the Tenants by mail dated November 25, 2025 [Doc 7282449, page 14], which letter enclosed the L1 update sheet and referenced both the upcoming L1 hearing and the Board's file number. The letter invited the Tenants to contact the Landlord's representative to resolve the matter. KB admitted receiving the letter.
6. The Landlord's representative also produced an email from KB dated December 8, 2025 (i.e. one day before the original hearing) which not only references the Board's file number but also reads "*Just wondering about the letter I just received about proposing a resolution*".
7. Even with respect to this review hearing, KB initially denied receiving the Landlord's disclosure brief by email on February 2, 2026. She subsequently admitted that she did receive it, but did not open the email.
8. Given the totality of the evidence before me, I am not satisfied that the Tenants were not reasonably able to participate in the proceeding.

Lifting the stay

9. KB lives in the unit with her 35-year-old son who has disabilities. She confirmed that he receives ODSP. KB was laid off on January 9, 2026 and is unemployed. She requested that lifting the stay of order LTB-L-079647-25 issued on January 5, 2026 be delayed until May 31, 2026 to allow her time to save first and last months' rent and secure a new place to live.
10. The Landlord's representative requested that the stay be lifted immediately. Given that there is no last months' rent and KB admitted that she is not working, the Landlord's position is that this is not a viable tenancy. Any delay in lifting the say would be extremely prejudicial to the Landlord because arrears would simply continue to accrue.

11. Given the circumstances, I find it reasonable to lift the stay immediately.

It is ordered that:

1. The request to review order LTB-L-079647-25 issued on January 5, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on January 20, 2026 is cancelled. The stay of order LTB-L-079647-25 is lifted immediately.

February 12, 2026
Date Issued

Karen Gonçalves
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.