



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

File Number: LTB-T-025674-25-RV

In the matter of: 2403, 60 HEINTZMAN ST
TORONTO ON M6P5A1

Between: Shafkat Choudhury Tenant
Patrick Apostol

And

Bingyao Zhu Landlord

Review Order

The term “Landlord” refers to all persons or companies identified as a Landlord and “Tenant” refers to all persons identified as a Tenant, within the order.

Shafkat Choudhury and Patrick Apostol (the 'Tenant') applied for an order determining that Bingyao Zhu (the 'Landlord') gave a notice of termination in bad faith.

This application was resolved by order LTB-T-025674-25 issued on November 13, 2025 as a result of a hearing that took place on October 29, 2025 where the Landlord was not in attendance.

On November 17, 2025, the Landlord requested a review of the order and that the order be stayed until the request to review the order is resolved.

On November 18, 2025 interim order LTB-T-025674-25-RV-IN was issued, staying the order issued on November 13, 2025.

This application was heard by videoconference on December 3, 2025.

The Landlord and the Tenant attended the hearing.

Determinations:

1. For the reasons that follow, the request to review is denied and the order remains unchanged.

REQUEST TO REVIEW

2. The Landlord's request to review alleges they were not reasonably able to participate at the hearing on October 29, 2025 because they did not receive the notice of hearing.

3. The Landlord testified that she did not receive the notice of hearing and was unable to participate; she only became aware of the hearing when she received the order.
4. The Board's records show that the notice of hearing was mailed to all parties on Septemebr 10, 2025 and emailed to all parties on May 15, 2025. The Landlord confirmed the email address was accurate and then submits she received it but missed it because she was busy. The Tenant confirms they did not serve evidence onto the Landlord.
5. The Tenant opposes the review request and submits the Landlord received the email but chose not to open it and so the request should be denied.

ANALYSIS

6. Pursuant to subsection 209(2) of the *Residential Tenancies Act 2006*, the Board is empowered to review an order where a party to a proceeding was "not reasonably able to participate" in the hearing.
7. The question of what the phrase "not reasonably able to participate" means has been before the Divisional Court in a number of appeals from Board orders. What all of the Divisional Court cases have in common is the notion of fairness: a party who does not know about a hearing should have a chance to participate in a new one; a party that knows about the hearing and genuinely wants to participate but does not, should still have an opportunity to be heard.
8. In both *Bouillon v. Kennedy*, [2011] O.J. No. 2223 (Ont. Div. Ct.) and *Kewallal v. Jackson*, [2011] O.J. No. 1219 (Ont. Div. Ct.) the Court indicated that the Board should have granted review requests where the allegation was that the notice of hearing was not actually received.
9. I find the circumstances in this case do not fall under the scenarios above. I say this because although the allegation is the Landlord did not receive the notice of hearing, at the hearing the Landlord admitted to receiving it and confirmed she was too busy. I do not find this akin to a party not reasonably able to participate in the proceeding; I find the Landlord missed the hearing due to a lack of due diligence on her part.
10. In *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541, the Courts find at paragraph 8 the following:

[8].... 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.
11. Similarly, I do not find the Landlord missing the hearing because she was busy constitutes grounds to re-hear the application which was already properly before the Board.
12. Therefore, on the basis of the submissions made in the request, I am not satisfied that the Landlord was not reasonably able to participate in the proceeding and the request to review is denied.

13. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The request to review order LTB-T-025674-25 issued on November 13, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on November 18, 2025 is cancelled.
3. The stay of order LTB-T-025674-25 is lifted immediately.

February 17, 2026
Date Issued

Sonia Anwar-Ali
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.