



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

File Number: LTB-L-090557-24-RV

In the matter of: 80 LENEY ST
AJAX ON L1Z0R3

Between: Liping Wang Landlord

And

Jayde Tulloch Former Tenant

Review Order

Liping Wang (the 'Landlord') applied for an order requiring Jayde Tulloch (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

Liping Wang (the 'Landlord') applied for an order requiring Jayde Tulloch (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

Liping Wang (the 'Landlord') applied for an order requiring Jayde Tulloch (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that the Landlord incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenant, another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

This application was resolved by order LTB-L-090557-24 issued on November 13, 2025 as a result of a hearing that took place on October 6, 2025 where the Tenant was not in attendance.

On November 14, 2025, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On November 17, 2025 interim order LTB-L-090557-24-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 application and order are clerically amended to reflect the correct street number from 89 to 80.

REQUEST TO REVIEW

2. The Tenant's request to review alleges the Tenant was not reasonably able to participate at the hearing on October 6, 2025 because she did not receive the notice of hearing and because the Landlord had listed the incorrect street number on the application.
3. The Tenant submits if she was aware of the Landlord's application, she would have attended and seeks that her review request be granted.
4. The Landlord opposes the Tenant's request to review and submits that upon receiving the Board's email with the notice of hearing and application, she forwarded it to the Tenant via the email address on the lease, on August 15, 2025. A screenshot of this was uploaded as evidence in support.
5. The Tenant submits she has over 23000 emails in her inbox that she does not read and the Landlord's email remains unopened. She did not see the email until she received the notice of hearing for her application.

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 Tenant did not receive the notice of hearing, at the hearing the Tenant admitted she did not check her email as she was busy. I do not find this akin to a party not reasonably able to participate in the proceeding; I find the Tenant 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 Tenant missing the hearing because she was busy constitutes grounds to re-hear the application which was already properly before the Board.
12. While the address of the rental unit must be accurate and would impact service of the documents from the Board in any application where the Tenant remains in possession of the rental unit, this application was filed after the Tenant vacated the rental unit and the obligation to serve was on the Landlord. So while the street number was inaccurate, I do not find there to be any prejudice to the Tenant as a result.
13. 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.
14. 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-L-090557-24 issued on November 13, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on November 17, 2025 is cancelled.
3. The stay of order LTB-L-090557-24 is lifted immediately.

February 19, 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.