



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

Citation: Chen v Schachter, 2026 ONLTB 15251

Date: 2026-02-18

File Number: LTB-L-061756-25-RV

In the matter of: side unit, 310 BATHURST ST.
Toronto ON M5T2S3

Between: Michael Chen Landlord

And

Brandon Schachter Tenant

Review Order

Michael Chen (the 'Landlord') applied for an order to terminate the tenancy and evict Brandon Schachter (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-061756-25 issued on October 8, 2025.

On October 24, 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 October 27, 2025, interim order LTB-L-061756-25-RV-IN was issued, staying the order issued on October 8, 2025.

This request was heard by videoconference on November 19, 2025.

The Landlord and the Tenant attended the hearing.

Determinations:

1. The Tenant did not attend the merits hearing held on September 25, 2025. After that hearing, a standard termination order was issued.
2. The Tenant filed their request for a review alleging that they did not receive the N4 notice of termination, nor did they receive the notice of hearing for September 25, 2025.
3. The Tenant said that he had no idea there was a hearing on September 25, 2025. He said that he suspected the Landlord was up to something because he appeared at the residential complex one day at the end of the summer, and he was acting very aggressively, banging on the roof. That led the Tenant to believe that there was something happening before the Board. The Tenant said that there are a number of rental units in the building, and about 20 different people all collect their mail from two mailboxes

at the front of the house. He said that the mailboxes are not labelled for specific units. He said that he checks it once or twice per week.

4. The Tenant said that because of the Landlord's suspicious behaviour, the Tenant called the Board around October 15, 2025, only to learn that there was already an eviction order issued, and that is when he filed his request for a review. He was unable to explain why he waited so long between the time of the Landlord's suspicious behaviour and the time he called the Board.
5. The Tenant said that he has not paid any rent since September 2025 because he is awaiting an application to ODSP to be approved. He said that he is hoping a lump sum from ODSP will pay off most of the arrears because he would receive an amount from the day he first applied, which was in August 2025. He said that his ODSP payment would be about \$1,300.00 per month.
6. The Tenant said that he would be able to pay the monthly rent of \$1,490.00 going forward through his ODSP payment, and part-time painting work that would add up to about \$1,000.00 per month. He does not work at present, but he has started to take on some part-time painting work. He said that he has no vehicle, nor does he have other expenses. He has lived in the rental unit for four years.
7. The Tenant said that he has looked for somewhere else to live but he cannot find anything suitable for his budget. He said that he has nowhere else to go and no support system.
8. The Landlord seeks eviction. He said that the Tenant currently owes over \$14,000.00 on this application. He said that the Tenant is a "professional Tenant" who has manipulated the system to delay eviction.
9. The Landlord said that he has a substantial mortgage on the residential complex, and with property tax and other maintenance expenses, the building costs him over \$12,000.00 per month. He said that he has repeatedly tried to work with the Tenant.

Reasons and Analysis:

10. 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.
11. The Tenant said that he did not receive the N4 notice of termination which the Landlord swore he placed in the mailbox, nor did he receive the notice of hearing, mailed by the Board, nor did he receive the order. The notice of hearing was mailed in August 2025, before the postal strike, and it was not returned undelivered. The Landlord swore in a certificate of service that he served the order to the Tenant during the postal strike in October 2025. The notice of hearing was therefore deemed to have been served five days after it was sent. It is highly unlikely that both notice of termination and notice of hearing, as well as the order, went astray. The Tenant's testimony about how he discovered there was an eviction order against him did not make sense and, ultimately, it was not credible. It is far more likely that the Tenant knew about the hearing, but because he has not paid rent for a number of months, he knew it was in his interest to fail to attend in order to delay eviction. Consequently, I find that the Tenant was reasonably able to participate in the

hearing, but he failed to exercise due diligence to check when he had to attend the hearing.

12. In any case, the Tenant has not paid any rent since September 2025, and he owes in excess of \$12,000.00 on the date of the hearing. His own testimony is that he has insufficient income to pay the rent going forward, even were he to receive ODSP. The ODSP amount he would get does not even cover the monthly rent, and he has not yet received confirmation that he will receive ODSP. Therefore, the outcome of a new hearing would not be different than that of the merits hearing. I find that the tenancy is not viable, and it is prejudicial to the Landlord for it to continue.

It is ordered that:

1. The request to review order LTB-L-061756-25 issued on October 8, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order LTB-L-061756-25-RV-IN issued on October 27, 2025, is cancelled. The stay of order LTB-L-061756-25 is lifted immediately.

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.