



Order under Section 21.2 of the Statutory Powers Procedure Act and Section 69 of the Residential Tenancies Act, 2006

Citation: Basilla v Doyon, 2026 ONLTB 15801

Date: February 18, 2026

File Number: LTB-L-055345-25-RV2-HR2

In the matter of: 17 WEST 1ST STREET
HAMILTON, ON L9C3B7

Between: Noel Basilla Landlord

and

William Doyon Tenant

SECOND REVIEW ORDER & *DE NOVO* L1 ORDER

Procedural History of Application

Noel Basilla (the 'Landlord') applied in a L1 application seeking an order to terminate the tenancy and evict William Doyon (the 'Tenant') because the Landlord claimed the Tenant did not pay the rent that he owes.

The L1 application was heard by videoconference on September 22, 2025. Only the Landlord attended the hearing. The L1 application was resolved by order LTB-L-055345-25 issued on October 1, 2025 (the 'L1 Order'), which was a voidable eviction order effective October 12, 2025.

On October 7, 2025, the Tenant requested a review and stay of the L1 Order, claiming he was not reasonably able to participate in the proceeding.

Review interim order LTB-L-055345-RV was issued on October 8, 2025, staying the L1 Order and directing the request to a review hearing.

The review hearing was scheduled to be heard on October 27, 2025 but was adjourned on consent. The Landlord was out of country and the Tenant had agreed to attend as his agent to request a consent adjournment.

The review hearing was rescheduled to be heard by videoconference on December 1, 2025. Only the Landlord attended the hearing so the review was dismissed as abandoned. The review order LTB-L-055345-RV was issued on December 3, 2025 denying the Tenant's request for review, and lifting the stay of the L1 Order.

On December 23, 2025 the Tenant made a second request to review, and a stay of the L1 Order, claiming he was not reasonably able to participate in the review proceeding.

The second review hearing was heard by videoconference on January 20, 2026. The Tenant and Landlord attended.

Determinations:

Review Granted

1. The Tenant testified that he genuinely intended to attend both the L1 hearing on September 22, 2025 and the review hearing on December 1, 2025. He admitted receiving the Notice of Hearings for both hearings. On the day of the L1 hearing he had an issue with technology and getting Zoom to work. He was so stressed he admitted he did not notice the Notice of Hearing states a participant can call in by telephone. The Tenant admitted to receiving a reminder email from the Landlord on November 24, 2025 regarding the review hearing that was coming up. The Tenant suspected after he read his Landlord's email he put it inadvertently into a different folder and could not find it again, until he saw it on December 1, 2025 after the review hearing had already finished.
2. The Board's power to review a decision may be exercised if a party to a proceeding was not reasonably able to participate in the proceeding. The case law from Divisional Court generally instructs the Board that the meaning of the phrase "not reasonably able to participate" should be interpreted broadly, to ensure natural justice, and where a party shows a genuine intent to participate in a hearing but was prevented from doing so, they should be entitled to a hearing through the review process. A party's genuine intent to participate must be borne out by the evidence which clearly demonstrates the party's intent to participate in the hearing.
3. In *Kathryn King-Winton v. Doverhold Investments* 2008 CANLII 60708 (ON SCDC), the Divisional Court stated: "Being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less."
4. When I considered the actions of the Tenant, including attending the first scheduled review hearing as an agent for the Landlord due to the Landlord's unexpected emergency that took him out of country, I accept that the Tenant had a genuine intention to participate in the proceedings.
5. On a balance of probabilities I find that the Tenant was not reasonably able to participate in the original L1 hearing or first review hearing. As a result, the request for review was granted, and a *de novo* (new) L1 hearing was conducted.
6. The prior L1 hearing order (LTB-L-055345-25) issued on October 1, 2025 is cancelled and replaced by this order.

De Novo (New) L1 Hearing

7. The Landlord did not serve a valid N4 Notice as required by section 43(1)(a) of the *Residential Tenancies Act, 2006* (the 'Act'). The parties agreed there are 7 residential units at this address. The Tenant's residential unit is Room 5. I find the N4 served by the Landlord did not comply with the Act and did not identify the rental unit.

8. Given the defect in the N4 Notice, the Landlord chose to continue with only pursuing the rent arrears in the application.
9. The Landlord testified, and the Tenant did not challenge or dispute, that the current rent arrears owing up to January 31, 2026 is \$3,750.00 plus \$186.00 for the filing fee. The total amount owing is \$3,936.00.

It is ordered that:

10. The Tenant's request to review the L1 Order LTB-L-055345-25 issued on October 1, 2025 is granted. The L1 Order is cancelled and replaced by this order. The review interim orders LTB-L-055345-25-RV issued on October 8, 2025 and December 3, 2025 are also cancelled.
11. The Landlord's request for eviction and termination of tenancy is denied because the N4 Notice served on the Tenant did not comply with section 43 of the Act.
12. The Tenant shall pay the Landlord \$3,750.00 for rent arrears, plus \$186.00 reimbursement for the cost of filing the L1 application. The Tenant shall pay the Landlord the total amount owing of **\$3,936.00** within 11 days, by **March 1, 2026**.
13. If the Tenant does not pay the Landlord the full amount owing of \$3,936.00 by March 1, 2026, then the Tenant will start to owe interest. This will be simple interest calculated from March 2, 2026 onwards at 4.00% annually on the balance outstanding.

February 18, 2026
Date Issued

Michelle Tan
Vice Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.