



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

File Number: LTB-L-090958-25-RV

In the matter of: Basement, 32 DROMORE CRES
North York ON M2R2H5

Between: Jegan Mahendralingam Landlord

And

Julianna Feher Tenant

Review Order

Jegan Mahendralingam (the 'Landlord') applied for an order to terminate the tenancy and evict Julianna Feher (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-090958-25 issued on January 22, 2026.

On January 23, 2026, the Landlord requested a review of the order. On January 26, 2026, interim order LTB-L-090958-25-RV-IN was issued, staying the order issued on January 22, 2026

This application was heard by videoconference on February 19, 2026.

Only the Landlord attended the hearing. I was satisfied that the Tenant had received the Notice of Hearing and there was no request to adjourn before me. Based on this, I proceeded to hear the review at 1:30 p.m.

Determinations:

Request to Review:

1. This application was resolved by Order LTB-L-090958-25 issued January 22, 2026. The Landlord's L1 application was scheduled for hearing on January 14, 2026. As of 12:05 p.m., neither the Landlord nor the Tenant was present or represented. The Board subsequently issued Order LTB-L-090958-25 on January 22, 2026. The Landlord has requested a review of that order.
2. 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 on January 14, 2025.
3. The Board record confirms that the Notice of Hearing package emailed to the Landlord on October 30, 2025.

4. The Landlord requests a review of the order on the basis that the Landlord did not attend the January 14, 2026, hearing due to a religious observance and related commitments. The Landlord states that the hearing date conflicted with Tai Pongal and did not realize the conflict until a few days prior to the hearing and therefore did not request a change to the hearing date before the hearing. The Landlord further states that delays at the temple and residual festival activities prevented participation by video or telephone.
5. *Q Res IV Operating GP Inc. v. Berezovs'ka, 2017 ONSC 5541 (Div. Ct.) (CanLII) [Berezovs'ka]*. In that decision, the Divisional Court ruled, at paragraph 8:

Lack of due diligence in dealing with court proceedings is a reason for refusing to set aside an order where a party has failed to appear. In other words, it was not an error in law for the Review Board to find that lack of diligence constituted a reason not to grant the landlord a rehearing.

6. A request for review may be granted where there is a serious error in the order or in the proceeding, including where a party was not reasonably able to participate. However, as confirmed by the *Berezovs'ka*, a lack of due diligence in dealing with tribunal proceedings is a reason to refuse to set aside an order where a party failed to appear. The Board is not required to rehear a matter where the failure to attend results from a party's own lack of diligence.
7. In this case, the Landlord acknowledged that no request was made to change the hearing date in advance because he did not realize the conflict until shortly before the hearing. The Landlord did not provide evidence of any Board error, confusing communication, or circumstances beyond the Landlord's control that prevented timely notice to the Board or a timely request to reschedule. The Landlord's explanation amounts to a personal scheduling conflict. While I accept that Tai Pongal is an important observance, the Landlord has not established that the Landlord was not reasonably able to participate. Rather, the evidence supports that the Landlord did not take reasonable steps, in advance of the hearing, to ensure attendance or to seek an adjournment when the conflict arose.
8. Applying *Berezovs'ka*, I find that the Landlord had a reasonable opportunity to participate and did not exercise due diligence to do so. The request for review is therefore denied.
9. Therefore, I am not satisfied that the Landlord was not reasonably able to participate in the proceeding, and the request to review is therefore denied.

It is ordered that:

1. The request to review order LTB-L-090958-25 issued on January 22, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on January 26, 2026, is cancelled.

February 26, 2026
Date Issued

Joy Xiao
Member, Landlord and Tenant Board

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