



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

Citation: Khan v Brier, 2026 ONLTB 18088

Date: 2026-03-03

File Number: LTB-L-079023-25-RV

In the matter of: 461 BRAIDWOOD AVE
PETERBOROUGH ON K9J1V7

Between: Deachon Khan Landlord

And

Erica Brier Tenant
Aaron Rose

Review Order

Deachon Khan (the 'Landlord') applied for an order to terminate the tenancy and evict Erica Brier and Aaron Rose (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-079023-25 issued on December 19, 2025.

On January 27, 2026, the requested a review of the order and that the order be stayed until the request to review the order is resolved.

On January 28, 2026, interim order LTB-L-079023-25-RV-IN was issued, staying the order issued on December 19, 2025.

This review request was heard by videoconference on February 24, 2026. The Landlord and the Tenants attended the hearing. The Landlord was assisted by her spouse Howard Khan and her son Matthew Khan.

Determinations:

1. The order issued on December 19, 2025 terminates the tenancy for non-payment of rent. The order was issued on an uncontested basis as neither Tenant was present or represented at the hearing held on December 10, 2025.
2. The Tenant's request for review asserts that they were not reasonably able to participate in the proceedings. At the hearing the Tenants testified that they were unaware of the hearing date because they did not receive notice of hearing from the LTB prior to the hearing.
3. The Tenants confirmed that when they received a copy of the Board's order, that they checked their emails and discovered that both notices were sent to their spam mail folder.

Neither Tenant provided the Board with a screen shot or photo of their emails to confirm that the notices of hearing went to their spam folder. The Tenants also stated that they did not recall receiving the notice of hearing in their mailbox. The Tenants did state however that it could be possible that their children threw out the mail.

4. The Board's records confirm that the notice of hearing was served to each Tenant by both regular mail and by email. The notice was served by email on October 3, 2025 and was mailed on November 6, 2025. Neither notice was returned as undeliverable.
5. Based on the evidence and submissions before the Board, I am not satisfied on a balance of probabilities that the Tenants were not reasonably able to participate in the proceedings. As stated above, the Board served notice of hearing to both Tenants by more than one method and neither of these notices were returned as undeliverable. I find it highly unlikely that four separate notices would go astray. The Tenant's testimony that they did not receive at least one of the four notices of hearing lacks an air of reality.
6. Further, the Tenants did not provide sufficient evidence to support their testimony that the notices of hearing emailed to them went to their spam folder. As the Tenants knew their tenancy was at risk of being terminated and that a review hearing was being scheduled, I would have expected the Tenants to provide some documentary evidence to support this statement, such as a screen shot or photo of their spam email folder.
7. As such, the Tenant's request for review is denied and the next issue for the Board to determine is whether it would be unfair to delay lifting the stay of the December 19, 2025 order.
8. As explained below, I find that it would be unfair to delay the lifting of the stay.
9. Since the Tenants request for review was filed, the Tenants have paid no rent to the Landlord. The arrears of rent owing as of this review hearing date were \$21,000.00. The Tenants have made no payments to the Landlord throughout the last seven months, and the tenancy is only eight months old. As such, the stay of the December 19, 2025 order will be lifted immediately as any further delay will likely result in further arrears owing and prejudice to the Landlord.
10. This Order contains all the reasons for this matter. No further reasons will issue.

It is ordered that:

1. The request to review order LTB-L-079023-25 issued on December 19, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on January 28, 2026, is cancelled. The stay of order LTB-L-079023-25 is lifted immediately.

March 3, 2026
Date Issued

Fabio Quattrociocchi
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.