



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

Citation: Drewniak v Nichols, 2026 ONLTB 18706

Date: 2026-03-03

File Number: LTB-L-075434-25-RV

In the matter of: #7, 230 CONACHER DR
KINGSTON ON K7K2X2

Between: Michael O. Drewniak

Landlord

And

Larissa Nichols

Tenant

Review Order

Michael O. Drewniak (the 'Landlord') applied for an order to terminate the tenancy and evict Larissa Nichols (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-075434-25 issued on November 18, 2025.

On January 12, 2026, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On January 13, 2026, interim order LTB-L-075434-25-RV-IN was issued, staying the order issued on November 18, 2025.

This review request was heard by videoconference on February 17, 2026.

The Landlord, the Tenant and the Tenant's legal representative, W. Florence, attended the hearing.

Determinations:

1. The Tenant did not attend the merits hearing held on November 13, 2025, and a standard termination order was issued after the hearing. The arrears owing to November 30, 2025, were over \$3,000.00.
2. The Tenant said that she only learned about the hearing when she received the order from the Board. At first, she said that she never received a notice of hearing, and later she said she "may have" received something, but she failed to pay attention because she had a lot going on with two children in daycare, and a new born baby. She said that the children's father left the home a few months ago. She also said that she does not check her mail very frequently.

3. The Tenant said that she has not paid the January or February 2026 rent. She also said that she intends to move elsewhere by the end of February 2026.
4. The Landlord submits that the review request is in bad faith, and the Tenant filed it merely to delay her eviction. He said that he communicates with the Tenant by email, and he informed her about the arrears and about the application he filed with the LTB. He said that he knows that the Tenant looks at her email all the time.
5. The Landlord also requested costs for at least 3 hours on the basis of his professional rate of \$75.00 per hour.
6. 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. The notice of hearing was mailed to the Tenant, by the Board on September 25, 2025, and it was not returned undelivered. It was also emailed to the Tenant by the Board on September 11, 2025. The Landlord's evidence is that the Tenant was well aware that there was going to be a hearing, and he emailed her with the application. The email sent by the Board was also not returned to the Board undelivered. The Tenant said that she does not check her mail very often, which suggests a lack of due diligence in ensuring that she attends a hearing that she has been given warning about from the Landlord. The Tenant also contradicted herself by saying she did not receive the notice of hearing, and then later saying she may have received it, but she had a lot going on. This contradiction in the Tenant's testimony directly casts doubt on the credibility of the Tenant's testimony. Consequently, I find that the Tenant had notice of the hearing and she was reasonably able to participate, but she either failed to exercise due diligence over her calendar, or she chose not to attend.
7. Pursuant to Rule 23.2 of the Board's Rules of Procedure, I am entitled to exercise discretion to order another party's representation/preparation fees and other out-of-pocket expenses. The Landlord testified that he had not hired a legal representative, nor had he lost any fees or wages as a result of his appearances before the Board. Therefore, the Landlord has not proved the type of costs, for which I am entitled to exercise discretion. I find that the Landlord is not entitled to costs, and it is not necessary for me to consider whether the Tenant engaged in unreasonable conduct.

It is ordered that:

1. The request to review order LTB-L-075434-25 issued on November 18, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order LTB-L-075434-25-RV-IN issued on January 13, 2027 is cancelled. The stay of order LTB-L-075434-25 is lifted immediately.

March 3, 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.