



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

Citation: Jaggi v Palecki, 2026 ONLTB 20381

Date: 2026-03-05

File Number: LTB-L-104804-25-RV

In the matter of: 2347 Howard Avenue
Windsor ON N8X3V4

Between:	Nishi Jaggi	Landlord
	And	
	William Palecki	Tenant

Review Order

Nishi Jaggi (the 'Landlord') applied for an order to terminate the tenancy and evict William Palecki (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-104804-25 issued on February 24, 2026.

On March 4, 2026, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I listened to the audio recording for this hearing.

Determinations:

1. This review request is made on the ground of being not reasonably able to participate in the proceedings.
2. The hearing that gave rise to the order under review took place on February 18, 2026. The Landlord had attended for a part of the hearing and then, after a break when the matter was recalled, the Landlord was not present.
3. The Landlord claims in the review request that they were present in the videoconference from 1:00pm to 5:12pm when they were disconnected.
4. The order states that the matter had been stood down so that the Landlord could file the first page of the N4 notice of termination and their L1/L9 update sheet. The order further notes that shortly after 4:00pm the Landlord disconnected and when the matter was recalled at 5:12pm the Landlord was not present. The order reflects what is heard in the audio recording.

5. The Landlord's submission that they were in the videoconference continuously from 1:00pm to 5:12pm is not supported by the audio recording. At 5:12pm the Member called this matter back and noted that the Landlord had not been present in the videoconference room since shortly after 4:00pm. If the Landlord had been present at 5:12pm they would have heard the Member say that the Landlord is not present and they could have made their presence known by either speaking or raising their hand. They did not and so even if the Landlord was present at 5:12pm they appear to have chosen not to participate. The hearing block was closed shortly after 5:12pm.
6. In any event, as stated in the order the N4 notice is invalid because, according to the certificate of service and the termination date in the N4 notice, the N4 notice was served three days before the termination date. An N4 notice must be served no later than 14 days before the termination date. Because the N4 notice was not served properly the Board would have no jurisdiction to terminate the tenancy. Further, despite being instructed to upload the L1/L9 update sheet on the day of the hearing (and the requirement that they serve and file this document seven days before the hearing), the Landlord did not do so. The Member therefore did not have sufficient information to grant the Landlord's application for arrears. Given the foregoing, it was reasonable for the Member to dismiss the Landlord's application and, more importantly, if a review was granted in this matter the Landlord's application would very likely be dismissed after a *de novo* hearing. The Landlord would likely be more prejudiced by the granting of this review than by its denial.
7. 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 Landlord was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-104804-25 issued on February 24, 2026 is denied. The order is confirmed and remains unchanged.

March 5, 2026
Date Issued

Renée Lang
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.