



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

Citation: Maclean v Spleit, 2026 ONLTB 20436

Date: 2026-03-12

File Number: LTB-L-103717-25-SA-RV

In the matter of: 1, 522 ROXBOROUGH AVE
HAMILTON ON L8H1R4

Between: Tyson Maclean Landlord

And

Iliona Spleit Tenants
Oswin Spleit
Rebecca Spleit

Review Order

Tyson Maclean (the 'Landlord') applied for an order to terminate the tenancy and evict Iliona Spleit, Oswin Spleit and Rebecca Spleit (the 'Tenants') because the Tenants failed to meet a condition specified in the order issued by the Board on November 27, 2025 with respect to application LTB-L-060527-25.

This application was resolved by order LTB-L-103717-25 issued on January 22, 2026. The Tenants' motion was scheduled to be heard on January 15, 2026 where only the Landlord's legal representative was in attendance.

On January 30, 2026, the Tenant Rebecca Spleit requested a review of the order and that the order be stayed until the request to review the order is resolved.

On February 2, 2026, interim order LTB-L-103717-25-SA-RV-IN was issued, staying the order issued on January 22, 2026.

The review request was heard by videoconference on March 2, 2026.

The Landlord's legal representative Janet van Oordt, the Tenants Oswin Spleit and Rebecca Spleit attended the hearing.

Determinations:

Jurisdictional Issue

1. At the onset of the hearing, Oswin Spleit said that he and his wife should not be party to this matter. He and his wife were guarantors for their daughter Rebecca Spleit and at no time did they reside in the rental unit. Rebecca Spleit believed they should remain on the application. At the hearing I indicated the application was amended to removed Oswin and Iliona Spleit as named parties. However, upon closer review of the Board record, this matter was addressed in the November 27, 2025 order. As such, I decline to remove them from the application.

The Review Request

2. In the review request, the Tenant Rebecca Spleit asserts that she did not attend the hearing on January 15, 2026 as a result of technical issues. She said she tried calling into the hearing using the contact detail provided in the Notice of Hearing and was in the waiting room for around twenty minutes. She was disconnected and called the LTB's technical line. The LTB agent told her to call back into the hearing. The Tenant did not provide the name of the LTB agent she said she communicated with.
3. The Tenant said that she attempted again around 1:05 pm and 1:10 pm and when she did not have success she called her father. She said her father attempted to call into the hearing and experienced the same issue.
4. The Tenant relies on *Duncan v. Toronto Community Housing Corp.* (2015 ONSC 4782) and *King-Winton v. Doverhold Investments Ltd.* (2008 CanLII 60708 (ON SCDC)) to support the proposition that participation in a hearing is a fundamental right of a party and being reasonable able to participate should be interpreted broadly.
5. The Tenant relied on a screen shot of various calls made by the Tenant on January 15, 2026. I note, the Tenant's evidence does not include times the various calls were made.
6. The Tenant confirmed she received the Notice of Hearing for January 15, 2026, read it and understood the details within.
7. The Tenant said that on the date of the hearing she was overwhelmed and confused. She also said she was unorganized that day due to various medical issues. For clarity, the Tenant's review request submitted to the Board did not claim medical reasons for her inability to attend the hearing. However, I have considered her position and provide further analysis on this submission below.
8. Oswin Spleit is the Tenant's father and testified that when his daughter called him on the day of the hearing, he used the contact information the Tenant sent him by messenger to log into the hearing. He did not have success. He said he was not provided with a meeting ID number to access the hearing, nor contact information for the LTB technical support. He said he did not contact the Landlord as the Tenant's support person on the date of the hearing or following the hearing.

9. At this hearing, the Tenant attempted to rely on a medical note that was not properly disclosed to the Landlord. Even if the Board accepted the February 25, 2026 medical note, the details were sparse. Aside from a list of medical issues, there are no details as to how these conditions affected the Tenant's ability to participate in the proceedings.
10. In *Wang v. Oloo*, 2023 ONSC 1028 (Div. Ct.) (CanLII), the Divisional Court upheld a Board review order that determined that the Tenants in that case did not prove that they were not reasonably able to participate in the Board hearing because of medical reasons. The Board concluded that a medical report the Tenants submitted did not support the Tenants' submission that they could not attend the Board hearing. The Court ruled, at paragraph 10:

It is the court, not the doctor, who decides whether the adjournment will be granted. Thus, a doctor's note must obtain [sic.] sufficient information to enable the court or tribunal to exercise its own judgment as to whether the adjournment should be granted. This should, at a minimum, describe the diagnosis, the effect of the patient's condition on their ability to attend and participate in the hearing, and a statement as to when, in the doctor's opinion, the patient will be well enough to attend court and participate as required.

11. In the present case, and following the Court's reasons in *Wang v. Oloo*, there was insufficient reliable information about the Tenant's medical condition and the impact those conditions have as to reason for the Tenant's inability to participate at the hearing.
12. The Landlord's representative opposes the Tenant's review request. She said the Tenant has experience attending LTB hearings. The Tenant has two support people who did not reach out on the date of the hearing or following to discuss the Tenant's inability to attend.
13. The Landlord's representative questions the authentic efforts made by the Tenant to attend the scheduled hearing. The Tenant's evidence does not identify the various numbers called from the Tenant's phone and no times are provided. The Tenant could not recall the name of the agents who she claims assisted her regarding her technical issues.
14. The Landlord's representative said the Tenant has used the same excuse at previous LTB hearings and believes the Tenant had reasonable opportunity to attend the hearing but failed to do so.
15. As previously stated, the Tenant confirmed she received, read and understood the Notice of Hearing for January 15, 2026.
16. I note, for parties using the telephone option to join a hearing, the Notice of Hearing provides:
 - **Join by phone:** To participate in the video hearing by phone, call toll free **855- 703- 8985** or local **647-374-4685**. When you call, you will be asked for a Meeting ID. Enter the following number: **931-5789-1669#**
17. Parties who experience technical difficulties are instructed to call 416-212-9064 or toll-free 866-769-7865. These telephone numbers do not appear on the Tenant's call log as claimed by the Tenant.

18. With respect to the Tenant's claims related to connecting to the hearing by telephone. It appears the Tenant did not enter the meeting ID as provided in the Notice of Hearing. As confirmed by the Tenant's father, she did not provide him with meeting ID to access the hearing. The Notice provided clear instructions for joining. The Tenant's failure to enter the details as provided and her failure to provide her father with the proper login information suggests a lack of due diligence on the part of the Tenant.
19. The LTB process for technical support is as follows; when a party leaves a message on the technical support line, LTB staff will return the call within seven minutes of the message left by the party experiencing the technical issues. Following that call, the LTB staff notifies the presiding Adjudicator that a party is attempting to join and is having difficulty.
20. There is no indication in the Board record that the Tenant called the LTB support line as claimed or that the presiding Adjudicator was alerted to any issues by the LTB technical support team. I find it more likely that the Tenant did not contact the LTB technical team for assistance.
21. While the case law relied on by the Tenant supports the proposition that being able to participate at a hearing should be interpreted broadly, I also consider the Divisional Courts's decision in *IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII) ['Berezovs'ka'], at paragraph 8 which reads:
- 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.
22. In the present case, the Tenant failed to use and provide her father with the contact details she read and understood in the Notice of Hearing. There is no credible evidence before the Board that the Tenant then followed the steps outlined in the Notice of Hearing to contact the LTB support team when she experienced difficulties logging into the hearing as claimed.
23. Based on the evidence before the Board and on a balance of probabilities, and in following the Divisional Court's decision in *Berezovs'ka*, I am satisfied that the Tenant was put on notice of the January 15, 2026 hearing, had reasonable opportunity to participate but did not attend as a result of a lack of due diligence on the part of the Tenant.
24. A lack of due diligence is not grounds to grant a request to review. This has been confirmed by the Courts in *Berezovs'ka*, paragraph 8 which also states:

If parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders.

25. As such, the Tenant is not entitled to have her motion re-heard because she failed to exercise due diligence. Therefore the request to review the January 22, 2026 order is denied.
26. With respect to the lifting of the stay, I considered the parties' circumstances and the procedural history related to this matter. I find it reasonable to lift the stay immediately.
27. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The request to review order LTB-L-103717-25 issued on January 22, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 2, 2026 is cancelled. The stay of order LTB-L-103717-25 is lifted immediately.

March 12, 2026
Date Issued

Dana Wren
Member, 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.