



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

File Number: LTB-L-090481-25-RV

In the matter of: 69 JAMES PARROTT AVE
MARKHAM ON L6E0E4

Between: JINWU, NAN (A.K.A JINWU NAN)

Landlord

And

Andreen Christie
Itory Patterson-Christie

Tenant

Review Order

JINWU, NAN (A.K.A JINWU NAN) (the 'Landlord') applied for an order to terminate the tenancy and evict Andreen Christie and Itory Patterson-Christie (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant; and, the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has willfully or negligently caused damage to the premises.

This application was resolved by order LTB-L-090481-25 issued on January 26, 2026.

On February 4, 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 February 5, 2026 interim order LTB-L-090481-25-RV-IN was issued, staying the order issued on January 26, 2026

This application was heard by videoconference on March 5, 2026.

The Landlord's agent Alex Jiao and the Tenants attended the hearing.

Determinations:

1. The Tenant requested a review of order LTB-L-090481-25 issued on January 26, 2026 alleging that the Tenant was not reasonably able to participate in the hearing which was conducted on January 19, 2026.
2. The onus is on the Tenants to establish they were not reasonably able to participate.
3. The Tenant Andreen Christie (AC) claims they did not receive any mail from the Board which advised of the January 19, 2026 hearing ("NOH") and which the Board's records reflect was

sent by mail to the Tenants on December 15, 2025. Although there is no indication of mail being returned for non-delivery to the Board, the Tenant states she rarely checks mail as the mailbox is located down the street.

4. The Tenant, however, acknowledges receiving NOH by email from the Board (which the Board's records reflect was sent on October 30, 2025). AC stated she became confused because she received two different hearing dates from the Board: January 15, 2026 (Landlord's L1 Application) and January 19, 2026 (Landlord's L2 Application). According to the Tenant, she was advised by the Landlord's legal representative that the proceeding was on January 19, 2026. The Tenant testified that she then contacted the Board, who advised her that the hearing was scheduled for January 15, 2026. The Board's records reflect the parties were in attendance at the January 15, 2026 hearing date for the Landlord's L1 Application, however only the Landlord was in attendance at the January 19, 2026 hearing date of the Landlord's L2 Application.
5. The test for being reasonably able to participate in a proceeding was considered by the Divisional Court in *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708, which held that "*being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less.*" The case law is clear that not participating in the hearing because of one's own lack of due diligence is not the same things as not being reasonably able to participate (see *Khani v Zhang*, 2019 ONSC 1362 (Div Ct.) and *Q Res IV Operating GP Inc. v. Berezovs'ka*, [2017 ONSC 5541](#) (Div. Ct.)).
6. Here, it appears the Tenants failed to check their mail in a timely manner, notwithstanding the fact they were aware the Landlord had commenced at least one proceeding against them. Regardless, the Tenant acknowledges being informed of the correct hearing date of the Landlord's L2 Application by two different sources: (i) by email sent by the Board; and, (ii) by the Landlord's legal representative.
7. While the Tenant states she was confused because the Board advised there was a hearing on January 15, 2026, it is unclear why the Tenant did make a further inquiries to determine whether there was a second proceeding on January 19, 2026. Moreover, since the Tenant was specifically advised by the Landlord's legal representative of the January 19, 2026 hearing date, it is unclear why further inquiry was not made with the Landlord/Landlord's legal representative when the Tenant attended the January 15, 2026 proceeding. Lastly, while not a requirement to prove one's case, the Tenants did not produce any correspondence and other corroborating evidence to support a finding that the Tenants were genuinely confused and/or intended to participate in the January 19, 2026 proceeding. Consequently, I do not find the noted circumstances support a finding that the Tenants were not reasonably able to participate in the January 19, 2026 proceeding.
8. For the reasons above, the Tenant's request to review is denied. As the Order under review did not order termination of the tenancy, I find it reasonable that the stay be lifted immediately.

It is ordered that:

1. The request to review order LTB-L-090481-25 issued on January 26, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 5, 2026 is cancelled. The stay of order LTB-L-090481-25 is lifted immediately.

March 16, 2026
Date Issued

Peter Nicholson
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.