



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

**Citation:** Luciani v DiLeo, 2026 ONLTB 22827

**Date:** 2026-03-13

**File Number:** LTB-T-104444-24-RV

**In the matter of:** Basement, 49 SAN MARKO PL  
WOODBRIIDGE ON L4L7M6

**Between:** Nicole Luciani Tenants  
Luke White

**And**

Maria DiLeo Landlord

### **Review Order**

Nicole Luciani and Luke White (the 'Tenants') applied for an order determining that Maria DiLeo (the 'Landlord'):

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.

This application was resolved by order LTB-T-104444-24 issued on March 10, 2026.

On March 12, 2026, the Tenants requested a review of the order.

A preliminary review of the review request was completed without a 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 March 4, 2026. The Tenants did not attend and no representative attended on their behalf.
3. The review request does not state that the Tenants did not receive a notice of hearing. A notice of hearing for this matter was sent to the Tenants by mail on February 6, 2026. It is deemed to be received by the Tenants on February 11, 2026.

4. The review request states that the Tenants did not attend the hearing because of “the timing of newly retained representation and the inability to obtain timely access to the Tribunals Ontario Portal and casefile prior to the hearing.”
5. The Tenants’ legal representative was retained on Saturday, February 28, 2026. The review request submits that due to the timing of the retainer and the intervening weekend, the representative was unable to obtain full portal access and review the file prior to the scheduled hearing date. The hearing proceeded the following Wednesday, March 4, 2026 and neither the Tenants nor their legal representative attended because the Tenants’ legal representative did not have access to the portal.
6. This is an insufficient reason for neither the Tenants nor their legal representative to attend the hearing. The date that the representative was retained was in the control of the Tenants. The weekend was not a barrier to working on the file; the representative was retained on a Saturday. Lack of access to the portal did not prevent either the Tenants or their representative from attending. The notice of hearing contains sufficient information, including a link, for parties and their representatives to attend the hearing with no further information or documents. This application was filed by the Tenants so they have a copy of their application and any evidence upon which they intend to rely. Further, the hearing that the Tenants and their representative missed was an Adjudicative Case Conference so the hearing would not have proceeded if contested. If there were any issues like the late retainer of a representative, lack of preparation of evidence, or lack of access to the Landlord’s evidence, these could have been addressed at the hearing and would not have been fatal to the application.
7. For the reasons above I am not satisfied that neither the Tenants nor their legal representative were able to attend the hearing.
8. On the basis of the submissions made in the request, I am not satisfied that the Tenants were not reasonably able to participate in the proceeding.

**It is ordered that:**

1. The request to review order LTB-T-104444-24 issued on March 10, 2026 is denied. The order is confirmed and remains unchanged.

**March 13, 2026**  
**Date Issued**

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Renée Lang  
Vice Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor  
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.