



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

**File Number:** LTB-L-101469-25-RV

**In the matter of:** 2, 301 BAY ST N  
HAMILTON ON L8L1M2

**Between:** SARAH STANSHALL Landlord

**And**

LYNN MALLOY Tenant

### **Review Order**

SARAH STANSHALL (the 'Landlord') applied for an order to terminate the tenancy and evict LYNN MALLOY (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in the order issued by the Board on October 6, 2025 with respect to application LTB-L-059101-25.

This application was resolved by order LTB-L-101469-25 issued on January 16, 2026.

On February 5, 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 6, 2026 interim order LTB-L-101469-25-RV-IN was issued, staying the order issued on January 16, 2026

This application was heard by videoconference on March 11, 2026.

The Landlord and the Tenant attended the hearing.

### **Determinations:**

1. The Tenant's request for a review is based on the grounds of being not reasonably able to participate in the proceedings. The hearing that gave rise to the order under review took place on January 8, 2026.
2. The Tenant testified she did not attend the hearing as she did not believe she had to; she believed her and the Landlord had come to an agreement for her to preserve the tenancy. The Tenant testified there were text communications between her and the Landlord wherein the Landlord informed the Tenant she need not attend the hearing.
3. The only text message provided as proof to the Board was a December 18, 2025 text from the Landlord to the Tenant stating, "you have to apply to LTB to cancel order". The Tenant believed this meant she did not have to attend the hearing.

4. The Tenant received the Notice of Hearing on or about December 12, 2025. There was no communication sent by the Board indicating the file had been closed or that the Tenant did not need to attend the hearing.
5. Based on the Tenant's testimony, I find the Tenant did not exercise their due diligence and chose not to attend the hearing. Insufficient evidence was presented to suggest the Tenant was not expected to attend the hearing to support their motion.
6. I am aware of the Divisional Court's decision in *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708 that "being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less." I have interpreted this situation broadly and find that the Tenant's failure to exercise due diligence did not render the Tenant not reasonably able to participate in the proceedings. This decision is consistent with the Divisional Court's recent decision in *Khani v. Zhang*, 2019 ONSC 1362 (CanLII).
7. On the basis of the submissions made in the request, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding.

**It is ordered that:**

1. The request to review order LTB-L-101469-25 issued on January 16, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 6, 2026 is cancelled. The stay of order LTB-L-101469-25 is lifted on March 31, 2026.

**March 20, 2026**

**Date Issued**

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Elena Jacob

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.