



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

File Number: LTB-L-082446-25-RV

In the matter of: SIDE, 10 LANCER CRT
HAMILTON ON L9B2B2

Between: Mirways Babakarkhail Landlord

And

Sayed Farhad Akbari Tenant

Review Order

Mirways Babakarkhail (the 'Landlord') applied for an order to terminate the tenancy and evict Sayed Farhad Akbari (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-082446-25 issued on January 7, 2026.

On February 13, 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 17, 2026, interim order LTB-L-082446-25-RV-IN was issued, staying the order issued on January 7, 2026.

The review request was heard by videoconference on March 19, 2026.

The Landlord, the Landlord's Legal Representative Karl Sadowski, and the Tenant attended the hearing. Hamid Shakeri interpreted for the Tenant.

Determinations:

1. Application LTB-L-082446-25 was heard by videoconference on December 9, 2025. The Tenant did not attend. Based on the uncontested evidence of the Landlord, the Board terminated the tenancy and ordered the Tenant to pay rent arrears.
2. The Tenant testified that he did not attend the hearing because he did not receive the Notice of Hearing. The Tenant testified that, while his mailbox has a lock, the Landlord's mother who lives on the main floor of the house also uses that same mailbox. The Tenant stated that neither he nor his wife know English well, but they do not get help with reading their mail.

3. The Tenant admitted to receiving numerous mails at the rental unit. Under cross-examination, the Tenant stated that he may have received documents from the Board prior to the review Notice of Hearing but is unfamiliar with the process and couldn't imagine the Landlord filing an application against him. The Tenant was unsure of what notices he has received in the past because his wife normally collects the mail from the mailbox. The Tenant admitted that a document was delivered in person to his wife, but he was unsure of what it contained until the Landlord attended with the Sheriff several days later.
4. The Landlord testified that his mother lives in the upstairs unit of the house but does not use the Tenant's mailbox. The Landlord does not check the Tenant's mailbox either.
5. In *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541, at paragraph 8, the Divisional Court found that "[l]ack of diligence in dealing with court proceedings is a reason for refusing to set aside an order where a party has failed to appear... 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."
6. I find that the Tenant has failed to exercise due diligence in participating in the proceedings. The Tenant acknowledged receiving numerous mails, and that he does not obtain assistance reading them. Additionally, the Tenant's wife was given a document in person, and the Tenant left its contents unknown until the Landlord arrived with the Sheriff several days later. Parties who have language barriers are still responsible for reading and understanding the communications sent to them. The Tenant failed to do so in this case. The Board's records do not indicate that there was any issue with delivery of mail. I also accept the Landlord's testimony that neither he nor his mother access the Tenant's mailbox. Based on all the evidence presented, I find it more likely than not that the Tenant received the Notice of Hearing but failed to take the necessary steps to read it.
7. Therefore, I am not satisfied, on a balance of probabilities, that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-082446-25 issued on January 7, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 17, 2026, is cancelled. The stay of order LTB-L-082446-25 is lifted immediately.

April 1, 2026
Date Issued

Kate Sinipostolova
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.