



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

Citation: Q Res V Operating LP v Haan, 2026 ONLTB 28623

Date: 2026-04-14

File Number: LTB-L-092884-25-RV

In the matter of: 109, 400 VINE ST
ST CATHARINES ON L2M3S3

Between: Q Res V Operating LP Landlord

And

Brian De Haan Tenants
Marjorie Hynes

Review Order

Q Res V Operating LP (the 'Landlord') applied for an order to terminate the tenancy and evict Brian De Haan and Marjorie Hynes (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-092884-25 issued on February 11, 2026. Only the Landlord's representative attended at the original hearing on February 2, 2026.

On February 19, 2026, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On February 20, 2026, interim order LTB-L-092884-25-RV-IN was issued, staying the order issued on February 11, 2026.

This review was heard by videoconference on April 2, 2026.

The Landlord's representative, Eric Steiman, and one of the Tenants, Brian De Haan ('BD'), attended the hearing. Although the second named Tenant had signed into the hearing, she was not present when the application was heard.

Determinations:

1. For the following reasons, the Tenants' request to review order LTB-L-092884-25 issued on February 11, 2026 is denied.
2. BD testified that two to three days before the hearing, he noticed that his phone would not work in the unit nor outside, even though his internet was working. Despite knowing this, he still attempted to log into the hearing using his phone because he did not know how to log into

the hearing on his computer and his wife did not have a phone. He was able to log into the review hearing by Zoom because his son-in-law showed him how to do so. He did not ask anyone for help logging into the original hearing on February 2, 2026 because he did not want anyone knowing his business.

Analysis

3. First, BD admitted that the Tenants spoke with a legal clinic after he received the N4 notice. The Board's file confirms that the Notice of Hearing was mailed to the Tenants on January 6, 2026 which means the Tenants would have had three weeks prior to the hearing to either seek help from the legal clinic, their son-in-law, or others to assist them with logging into the hearing. They did not because BD did not want anyone to know about their business.
4. Second, despite knowing that his phone was not working, BD stated he tried to log into the hearing with that phone. There is no evidence that he attempted to obtain access to a different phone prior to the hearing in order to be able to attend.
5. Parties are required to act with diligence in proceedings before the LTB. If a party fails to attend a hearing because of their own lack of diligence, they cannot then demand that the LTB waste its resources to hear the matter again. "To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders": *Q Res IV Operating GP Inc. v. Berezovs'ka*, para. 8.
6. I am satisfied that despite BD knowing his phone did not work and that he was not familiar with the computer, he took no steps to try to access a working phone or have someone assist him to log into the hearing. In my view, the Tenants missed the hearing due to their own lack of diligence. That is different from not being reasonably able to participate.
7. I am not satisfied that the Tenants were not reasonably able to participate in the proceeding. Therefore the Tenants request to review order LTB-L-092884-25 issued on February 11, 2026 is denied.

Lifting the Stay

8. BD stated that both Tenants have mobility issues and although they have two people helping them to find alternate housing, he requested at least three to five months to find a new place to live.
9. The Landlord's representative stated that the Landlord was prepared to delay lifting the stay until April 30, 2026.
10. In the circumstances, I find it appropriate to delay lifting the stay until April 30, 2026. BD admitted that the Tenants had people assisting them and there was no evidence that the Tenants could not stay with their son-in-law until they located a new place to live. In my view, delaying lifting the stay for another three to five months would be prejudicial to the Landlord, given that the Landlord's L1 update sheet indicates that the rent arrears have already increased by almost \$2,000.00 since the February 11, 2026 order was issued.

It is ordered that:

1. The request to review order LTB-L-092884-25 issued on February 11, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 20, 2026 is cancelled. The stay of order LTB-L-092884-25 is lifted on April 30, 2026.

April 14, 2026
Date Issued

Karen Gonçalves
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.