



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

File Number: LTB-L-077374-25-RV

In the matter of: 414, 1 HESPERUS RD
THORNHILL ON L4J0G9

Between: Hesperus Fellowship Village Landlord

And

Froim Reznik Tenant

Review Order

Hesperus Fellowship Village (the 'Landlord') applied for an order to terminate the tenancy and evict Froim Reznik (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.

This application was resolved by order LTB-L-077374-25 issued on December 23, 2025.

On February 3, 2026, the Tenant requested a review of the order.

On February 4, 2026, interim order LTB-L-077374-25-RV-IN was issued, staying the order issued on December 23, 2025.

The request to review was heard by videoconference on April 7, 2026. The Tenant attended the hearing. The Landlord was represented at the hearing by Michael Hackl. The Tenant was represented by Gulnara Trofimova.

Post hearing submissions were received by the Tenant on March 9 and March 28, 2026. Post hearing submissions were received by the Landlord on March 19, 2026.

Determinations:

1. The order issued December 23, 2025 terminated the tenancy. The Tenant seeks to review the order.
2. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings or that the Tenant was not reasonably able to participate in the proceeding.

3. The Tenant did not attend the hearing that took place December 17, 2025. The Tenant submits that he was not reasonably able to participate due to cognitive impairment, language barriers, and lack of support.
4. The difficulty with the Tenant's submission is that the medical and third-party evidence relied upon largely post-dates the hearing (DOC-7444263). As such, I place limited weight on this evidence in determining the Tenant's ability to participate in the hearing.
5. The General Power of Attorney was not executed until February 3, 2026. The first reference to Alzheimer's dementia appears in a medical note dated the same day.
6. I find that the position that the Tenant was not competent to participate in a legal proceeding but was competent to execute a legally binding power of attorney on February 3, 2026, undermines the reliability of the Tenant's evidence.
7. The Tenant's daughter, Alexandra Reznik, testified that she was not aware of the hearing. However, she was not appointed as power of attorney until February 2026, and documentary evidence (DOC-7443411, pp. 82–84) confirms that the Tenant explicitly instructed the Landlord not to contact her. I therefore find there was no obligation on the Landlord to notify her of the hearing.
8. I accept the evidence of the Landlord's witness, Shani Brothers. She testified that the hearing and risk of eviction were explained to the Tenant and that translation tools were used to facilitate communication. Her evidence was credible, consistent, and supported by documentary evidence.
9. In particular, a letter signed by the Tenant in November 2025 (DOC-7443411, pp. 82–84) confirms that he was aware of the hearing scheduled for December 17, 2025 and that his granddaughter would assist him.
10. Parties to a Board proceeding are required to exercise reasonable diligence to be aware of and participate in the proceeding (*Q Res IV Operating Gp Inc. v. Berezovs'ka*, 2017 ONSC).
11. While the Tenant has health challenges and faces language barriers, I find that he was aware of the hearing and had supports available to assist him.
12. The Tenant did not provide a clear or reliable explanation for his failure to attend the hearing. Despite the assistance of an interpreter, his responses were unclear and did not address the question. In addition, the Tenant's granddaughter did not attend the hearing to provide any explanation for the absence of either herself or the Tenant.
13. While the ability to participate must be interpreted broadly, The Board will refuse to grant a request to review where the requestor's absence was the result of negligence, or if there was no reasonable explanation for the failure to attend. (*Erzengin v Saini*, 2025 ONLTB 82160)
14. I find the Tenant has not provided a satisfactory explanation for failing to attend the hearing. I therefore find the Tenant was reasonably able to participate in the hearing held on December 17, 2025, and the request to review is denied.

It is ordered that:

1. The request to review order LTB-L-077374-25 issued on December 23, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 4, 2026, is cancelled. The stay of order LTB-L-077374-25 is lifted immediately.

April 7, 2026
Date Issued

Bryan Delorenzi
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.