



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

Citation: Biswas v Chen, 2026 ONLTB 30010

Date: 2026-04-10

File Number: LTB-T-076904-25-RV

In the matter of: 3b, room 1, 345 spadina avenue
toronto ON M5T2G3

Between:	Nahian Biswas	Tenant
	And	
	Fen Chen	Landlord

Review Order

Nahian Biswas (the 'Tenant') applied for an order determining that Fen Chen (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.
- withheld or interfered with their vital services or care services and meals in a care home.
- failed to meet the Landlord's maintenance obligations under the Residential Tenancies Act, 2006 (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was resolved by order LTB-T-076904-25 issued on April 7, 2026. The hearing was held on April 1, 2026 where the Tenant was not in attendance.

On April 9, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

The Review Request

1. The Tenant did not attend the hearing that occurred on April 1, 2026. The Tenant states the following about their absence in the review request.

2. 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. The Tenant has provided insufficient information to support the request.
3. In *So v. Canadian Mental Health Association, Toronto Branch*, 2024 ONSC 3371 (Div. Ct.) (CanLII), the Divisional Court affirmed that a person who requests a review of an order must give “sufficient information to support a preliminary finding of an alleged serious error or an explanation why the requestor was not reasonably able to participate in the hearing”, per Rule 26.8 of the Board’s Rules of Procedure.
4. The Tenant said that he did not receive notification about the hearing. The Board record confirms that the Board emailed the Notice of Adjudicative Case Conference to the Tenant on December 11, 2025. The Tenant consented to emails from the LTB and the Notice was not returned as undeliverable.
5. Additionally, on January 31, 2026, the LTB responded to the Tenant’s request for accommodation related to the hearing. This suggests to me that the Tenant was aware of the hearing and was preparing accordingly.
6. The submissions in the review request are vague. The Tenant said that he was both not informed of the hearing and sick for several days. I understood this to mean that the Tenant was unwell and therefore unable to attend on the scheduled date. The Tenant also claimed he had another medical appointment on the same day of the hearing. However, the Tenant did not provide any medical notes to support his claims.
7. The Adjudicative Case Conference (ACC) was scheduled in an all day block and based on the submissions in the request it’s not clear that the Tenant could not have taken steps to attend the ACC or notify the Board or the Landlord of his circumstances. The ACC proceeded virtually and could have been accessed with a telephone. The Tenant has not provided a doctor’s note to support his claims.
8. A party to a Board application is required to exercise reasonable diligence to become aware of, and to attend, a Board hearing: *Q Res IV Operating GP Inc. v. Berezovs’ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII) [‘Berezovs’ka’]. In that decision, the Divisional Court ruled, at paragraph 8:

Lack of due diligence in dealing with court proceedings is a reason for refusing to set aside an order where a party has failed to appear. In other words, it was not an error in law for the Review Board to find that lack of diligence constituted a reason

not to grant the landlord a rehearing.

9. Given the above, the Tenant's request to review the order and to hold a re-hearing must be denied.

10. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The request to review order LTB-T-076904-25 issued on April 7, 2026 is denied. The order is confirmed and remains unchanged.

April 10, 2026
Date Issued

Dana Wren
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.