



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

Citation: Halton Community Housing Corporation v Duncan, 2026 ONLTB 30428

Date: 2026-04-13

File Number: LTB-L-104080-25-RV

In the matter of: Unit 36, 2250 GOLDEN BRIAR TRAIL
OAKVILLE ON L6H6A4

Between:	Halton Community Housing Corporation	Landlord
	And	
	Shemica Duncan	Tenant

Review Order

Halton Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Shemica Duncan (the 'Tenant') because:

- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex.
- the Tenant has knowingly misrepresented the Tenant's income or the income of other members of the Tenant's household.
- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

The Landlord also applied for an order requiring the Tenant to pay the money the Tenant would have been required to pay if the Tenant had not misrepresented their income or that of other members of their household.

This application was resolved by order LTB-L-104080-25 issued on March 13, 2026.

On April 13, 2026, the Tenant requested a review of the order.

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

Reasons:

1. The Tenant is currently incarcerated in a correctional facility. She requests a review on the basis that she did not receive the Notice of Hearing because she was incarcerated. She did not attend the hearing, and the matter was decided based on the Landlord's evidence.
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.
3. The Member considered that question of whether the Tenant could have participated in the hearing, and noted the following:

Sara Mathew, who is a paralegal, testified that she called Vanier correctional facility and learned that the Tenant is there. She was provided with contact information by the correctional facility staff and was told that any documents sent to the facility could be printed and provided to the Tenant. Ms. Mathew sent the notice of hearing and the Landlord's evidence brief to the Tenant. Ms. Mathew also confirmed with the correctional facility that they could set the Tenant up in a room they use for bail hearings so that the Tenant could participate in the hearing by zoom.

4. Paralegals are officers of the Landlord and Tenant Board (LTB), and the LTB is entitled to take their word regarding procedural matters. The Member was satisfied, and I am likewise satisfied, that the Notice of Hearing was sent to the correctional facility which would, in the normal course, have printed it and provided it to the Tenant.
5. In her review request, the Tenant points out that she would not have been able to receive documents delivered to the rental unit. She does not address the fact that the documents were also sent to the correctional facility. She does not indicate that she inquired with the correctional facility as to what happened to the Notice of Hearing. She offers no explanation for why the Notice of Hearing would not have come to her attention.
6. Rule 26.8(e) provides that a request to review an order must provide an explanation of why the requestor was not reasonably able to participate in the hearing. Where a Notice of Hearing was properly served, I do not think it sufficient for a party to simply assert, in a review request, that it was not received. Some explanation must be given to provide an air of reality to the assertion. That is particularly true where there is strong evidence that the Notice should have been received, and where the party could have investigated to find out why they did not receive it.
7. For those reasons, I am not satisfied that the review request provides sufficient basis for sending the review to a hearing to determine whether the Tenant was not reasonably able to participate. The review will be denied.

It is ordered that:

1. The request to review order LTB-L-104080-25 issued on is denied. The order is confirmed and remains unchanged.

April 13, 2026
Date Issued

Dale Whitmore
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.