



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

Citation: Lovisotto v Popal, 2026 ONLTB 31126

Date: 2026-04-20

File Number: LTB-L-070211-25-RV

In the matter of: 16 Mcguire Crt
King (Schomberg) ON L0G1T0

Between: Michael Thomas Lovisotto Landlord

and

Emad Popal
Mohammad Popal Tenants

Review Order

Michael Thomas Lovisotto (the 'Landlord') applied for an order to terminate the tenancy and evict Emad Popal and Mohammad Popal (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-070211-25 issued on November 3, 2025. Only the Landlord's Legal Representative attended the hearing.

On December 3, 2025, the Tenants requested a review of the order alleging they were not reasonably able to participate in the proceeding.

The review request was heard by videoconference on December 18, 2025. The Tenants did not attend the review hearing. On January 5, 2026, order LTB-L-070211-25-RV was issued dismissing the Tenants' request as abandoned.

On January 29, 2026, the Board initiated a review of order LTB-L-070211-25-RV.

Both reviews were heard by videoconference on April 2, 2026.

The Landlord's Legal Representative, Chris Howatt, the Tenants, and Edward Sullivan, the Legal Representative for the Tenant, Mohammad Popal ('MP'), attended the hearing.

Determinations:

Board Initiated Review

1. MP's Legal Representative testified that although he was included on the documentation and filed the review request, he was not sent a copy of the notice of hearing. He testified that they first learned that they missed the hearing when the Landlord's Legal Representative notified him that the hearing proceeded in their absence.
2. Based on the evidence, I find, on a balance of probabilities that the Tenants were not reasonable able to participate in the review hearing. There is no record that the notice of hearing was sent to either the Tenants or MP's Legal Representative. While they acknowledge that they had access to the Tribunals Ontario Portal ('TOP'), it is not reasonable to expect that anyone would regularly and continually check TOP to see if a hearing has been scheduled, particularly when they are aware that the procedure is that they will be notified of the hearing by email or mail.
3. For the foregoing reasons, I granted the Board Initiated Review and proceeded to hear the Tenants' original review request.

First Review Request

4. MP testified that the Tenants did not receive notice of the hearing because they had moved out of the rental unit after a home invasion. He testified that the police recommended that they not live there anymore due to safety concerns. He could not recall exactly but believes that the Tenants moved out on March 27, 2025 without notifying the Landlord. He testified that he eventually found out about the proceedings when his son, Emad Popal ('EP'), told him about it. He was not sure when his son told him about the proceedings.
5. EP testified that he found out about the hearing when he received an email from the Board, he thinks in November or December 2025. He testified that he believes he came across the email after the hearing as he was ill, so he was avoiding screen time and therefore not checking his emails. He testified that his illness began around the time of the hearing. He testified that he did not tell his father about it right away because he did not think it would escalate, so he did not think much of it.
6. Based on the evidence, I find, on a balance of probabilities, that the Tenants were reasonably able to participate in the proceeding but failed to exercise due diligence or simply chose not to attend. Overall, I do not find either of the Tenants to be credible. MP's testimony overall was vague and evasive and, rather than answer specific questions, he just continued to repeat the reasons for which the Tenants left the rental unit. While MP states that he has issues recalling information due to his diabetes, MP provided no documentary evidence to demonstrate that diabetes impacts one's ability to recall information or events and, therefore, I am not satisfied that MP has any memory loss issues because of his diabetes. Rather, it is more likely that MP was intentionally evasive in his testimony.
7. EP acknowledged receiving the September 5, 2025 email from the LTB enclosing the notice of hearing and advising of the hearing date. I find EP's testimony with respect to not checking his emails until after the hearing not credible. While he provided a doctor's note stating that he has been experiencing headaches and dizziness, the note indicates that the symptoms only started as of October 20, 2025, more than a month after the email from

LTB was sent to EP. Additionally, EP conceded in cross-examination to making numerous social media posts and attending sporting events during that time period, which appears inconsistent with someone who is unable to use screens as he states.

8. In *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 CanLII (Div. Ct.), at para. 8, the Court noted that:

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.

9. Based on the totality of the evidence, I find, it is more likely than not that EP saw the email from the LTB with respect to the hearing, informed his father MP about the hearing, and the Tenants chose not to attend because, as EP states, he did not think much of it and did not think it would escalate. The Tenants had a reasonable opportunity to participate but did not exercise due diligence or simply chose not to attend.
10. For the foregoing reasons, the Tenants' request to review based on the Tenants' allegation that they were not reasonably able to participate in the proceeding is denied.

It is ordered that:

1. The request to review order LTB-L-070211-25 issued on November 3, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on December 4, 2025 is cancelled. The stay of order LTB-L-070211-25 is lifted immediately.

April 20, 2026
Date Issued

Candace Aboussafy
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.