



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

File Number: LTB-L-059960-25-RV

In the matter of: 301, 89 KING ST E
HAMILTON ON L8N1A9

Between: Cityhousing Hamilton Corporation Landlord

And

Darlene Kelly Tenant

Review Order

Cityhousing Hamilton Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Darlene Kelly (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, 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.

This application was resolved by order LTB-L-059960-25 issued on February 2, 2026. The Tenant did not attend the hearing.

On March 3, 2026, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 4, 2026, interim order LTB-L-059960-25-RV-IN was issued, staying the order issued on February 2, 2026.

This application was heard by videoconference on April 14, 2026.

The Landlord's Legal Representative, Katherine Howlett, the Landlord's agent, Vladimir Molatchenko, and the Tenant attended the hearing.

Determinations:

Request to Review:

1. The Tenant's request for review alleges that the Tenant was not reasonably able to participate in the hearing of the October 27, 2025.
2. The Tenant testified that she signed into the hearing on October 27, 2025, using a friend's phone, but that friend left at about 9:30 a.m. and took the phone. The Tenant's evidence was that she then tried to contact the friend but was unable to do so and therefore could not return to the hearing.
3. Based on the evidence before me, I am not satisfied that the Tenant established that she was not reasonably able to participate in the hearing on October 27, 2025. The Tenant acknowledged that she signed into the hearing and was aware of the proceeding. Her evidence was not that she lacked notice of the hearing, but rather that she lost access to the phone being used to attend.
4. However, the evidence also establishes that there were other means available to her to address that problem. In cross examination, the Tenant acknowledged that the legal clinic was only three or four minutes away from the rental unit. The Landlord also led evidence that there was an intercom system in the building through which the Tenant could contact the Landlord's staff, who in turn could have relayed a message to the Landlord's Legal Representative. The Landlord's Legal Representative submitted that, had such a message been received, the hearing would have been delayed.
5. I also note that the Tenant and her friend indicated that they would return when the matter was scheduled to proceed later in the day. When the friend did not return, the Tenant did not take reasonable steps to reconnect to the hearing, contact the Board, or use other available resources in the building or nearby community. The Tenant also waited several weeks after the hearing before contacting the Board. On the evidence before me, this was not a situation in which participation was impossible. Rather, it was a situation in which the Tenant did not act with sufficient diligence after losing access to the friend's phone.
6. This conclusion is consistent with the Divisional Court's decision in *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541, where the Court stated that if parties are not diligent in dealing with legal proceedings, they cannot demand that a tribunal waste its resources by rehearing matters a second time, as this would undermine the administration of justice in delivering timely, cost effective, and final orders.
7. I therefore find that the Tenant did not exercise appropriate diligence in attempting to participate in the hearing on October 27, 2025. The Tenant has therefore not established that she was not reasonably able to participate in that hearing, and the request for review is denied.

Lifting the stay:

8. At the hearing, I invited submissions from the parties with respect to whether there should be any delay in lifting the stay of the February 2, 2026, order. For the reasons below, the stay of the order will be lifted on May 30, 2026.
9. In setting that date, I have considered the Tenant's circumstances. The Tenant is 60 years old, receives benefits under the Ontario Disability Support Program, and has chronic

health and mobility issues. I have also considered the Landlord's submission that a short extension would be acceptable before returning to the Sheriff.

10. In all of the circumstances, I find it appropriate to delay the lifting of the stay until May 30, 2026.

11. This order contains all of the reasons for my decision. No further reasons will be issued.

It is ordered that:

1. The request to review order LTB-L-059960-25 issued on February 2, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 4, 2026, is cancelled. The stay of order LTB-L-059960-25 is lifted on May 30, 2026.

April 24, 2026
Date Issued

Joy Xiao
Member, Landlord and Tenant Board

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