



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

Citation: Chen v Rybkine, 2026 ONLTB 32663

Date: 2026-04-23

File Number: LTB-L-097576-25-RV

In the matter of: 6394 Shapton Cres
Niagara Falls ON L2H0L8

Between: Feng Chen
Mei Yang
Landlords

And

Vsevolod Rybkine
Olga Kosovich
Tenants

Review Order

Feng Chen and Mei Yang (the 'Landlords') applied for an order to terminate the tenancy and evict Vsevolod Rybkine and Olga Kosovich (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-097576-25 issued on February 18, 2026. The hearing was held on February 9, 2026. As of 2:38 p.m., the Tenants were not present or represented.

On February 27, 2026, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 2, 2026, interim order LTB-L-097576-25-RV-IN was issued, staying the order issued on February 18, 2026.

This application was heard by videoconference on April 13, 2026. The Landlords and the first-named Tenant attended the hearing.

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that a serious error occurred in the proceedings and that the Tenants were not reasonably able to participate in the proceeding.
2. The Tenant requested a review of order LTB-L-097576-25 issued on February 18, 2026. He indicates that he did not get the Notice of Hearing until two days after the hearing

occurred. The hearing was scheduled for February 9, 2026, but the Tenant states he did not get the Notice of Hearing until February 12, 2026.

3. The Tenant states that about one week before the hearing, which the Board estimates to be about February 2, 2026, the Tenant had collected his mail and was in receipt of the Board's L1 package materials. The Board's records indicate the Notice of Hearing was mailed to the Tenants on January 16, 2026. After receiving the package of materials, the Tenant admits to not having checked his mailbox again until February 12, 2026.
4. In *King-Winton v. Doverhold Investments Ltd.*, [2008] O.J. No. 4697 (Ont. Div. Ct.), the Divisional Court stated that, "being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less".
5. However, in *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 541 (Div. Ct.), the Divisional Court also held that, "Lack of 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. 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."
6. In my view, the Tenants failed to exercise due diligence. Despite receiving the Board's materials on about February 2, 2026, the Tenant did not login to the Tribunals Ontario Portal ('portal'), nor contact the Landlord or the LTB to find out when the hearing might be scheduled. The Tenant did not exercise due diligence to check his mail despite knowing that proceedings had begun at the LTB.
7. The Divisional Court found in *Kizemchuk v 60 Montclair Limited*, 2024 ONSC 6140, found at par. 40:

"...there is a difference between being prevented from attending and failing to make reasonable efforts to attend. A party must demonstrate that they exercised diligence in their effort to attend the original hearing. If a party is not diligent in dealing with legal proceedings, they cannot expect the Board to hold a second hearing: *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 at para. 8."
8. Given the evidence, I am not of the view that the Tenant exercised due diligence to attend the hearing of February 9, 2026. As such, the Tenant's request must be denied.
9. The Tenant submits he has not made any efforts to find alternate accommodations. He is self-employed, and his spouse also works. They have a 12-year-old child. The Tenant submits that the Landlord has two months' rent on file.
10. The arrears are now double of what they were at the hearing held in February. The Landlord submits this has put him in a significant and difficult financial situation. He also states the Sheriff is taking about two weeks to enforce orders in his area.
11. Given the parties' submissions, I am of the view that a termination date of May 15, 2026, is appropriate in the circumstances. This gives the Tenants an opportunity to find alternate

accommodations. Given the hearing was held in February, the Tenants have already had the benefit of three additional months since the original termination date.

It is ordered that:

1. The request to review order LTB-L-097576-25 issued on February 18, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 2, 2026 is cancelled. The stay of order LTB-L-097576-25 is lifted on May 15, 2026.

April 23, 2026
Date Issued

Jane Dean
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.