



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

Citation: SHALIMAR INTERNATIONAL HOUSING CORP v WAWERU, 2026 ONLTB 33527

Date: 2026-04-29

File Number: LTB-L-029036-25-RV2

In the matter of: 36, 3024 CEDARGLEN GATE
MISSISSAUGA ON L5C4S3

Between: SHALIMAR INTERNATIONAL HOUSING CORP Landlord

And

ESTHER WAWERU Tenant

Review Order

SHALIMAR INTERNATIONAL HOUSING CORP (the 'Landlord') applied for an order to terminate the tenancy and evict ESTHER WAWERU (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-029036-25-RV issued on November 26, 2025.

On December 8, 2025, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On December 8, 2025, interim order LTB-L-029036-25-RV-IN was issued, staying the order issued on November 26, 2025.

This application was heard by videoconference on January 19, 2026.

The Landlord's Legal Representative Esther Waweru and the Tenant attended the hearing. The Tenant met with Tenant Duty Counsel prior to the hearing.

Determinations:

1. 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.
2. The Tenant testified that due to an emergency, she had been required to travel out of the country to attend a funeral from November 16, 2025, to December 3, 2025.
3. The Tenant testified that despite there being an 8-hour difference, she attempted to log into the videoconference but was unable to do so.

4. The Tenant testified that she had let the Superintendent know that she would be leaving however, the Tenant was unable to provide evidence of same.
5. The Landlord's Legal Representative submitted that on July 2, 2025, the Landlord had been willing to resolve the application by way of a consent however, the application had been adjourned to allow the Tenant more time to prepare.
6. The Landlord's Legal Representative submitted that the parties have attended for this application on numerous occasions and that the Landlord is being prejudiced by the fact that the Tenant continues to prolong the process and has been unable to agree to a payment plan to clear up the arrears.
7. Guideline 8 of the Board's *Interpretation Guidelines* states that the LTB will refuse requests where the requestor's absence was the result of negligence or it finds no reasonable explanation for the failure to attend. [1474367 Ontario Inc. v. Millien](#), 2011 ONSC 1563; [TSL-67802-15-RV\(Re\)](#), 2016 CanLII 1738 (ON LTB); [NOL-08906-12-RV \(Re\)](#), 2012 CanLII 59993 (ON LTB); [TNL-19146-11-RV \(Re\)](#), 2011 CanLII 71522 (ON LTB).
8. While I can appreciate the Tenant may have had to travel as a result of an emergency, I do not find the Tenant to have acted reasonable in failing to advise the Landlord that she would be out of the country and unable to attend the November 20, 2025, hearing date.
9. While the Tenant testified that she had advised the Landlord's Superintendent, simply advising one employee presumably not in writing and never following up with the Landlord or the Landlord's agent I find to be unreasonable by the Tenant.
10. The Tenant's request to review stipulates that she had been traveling from November 16, 2025, to December 3, 2025. As such, she knew or ought to have known to advise the Landlord of same and in writing to ensure that the Landlord would have been aware as to why she was not in attendance for the hearing.
11. As such, the Tenant's request to review is denied and the stay of the interim order is lifted immediately.

It is ordered that:

1. The request to review order LTB-L-029036-25 issued on November 26, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on December 8, 2025, is cancelled. The stay of order LTB-L-029036-25 is lifted immediately.

April 29, 2026
Date Issued

Jagger Benham
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.