



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

File Number: LTB-L-098060-25-RV

In the matter of: 3708, 19 Bathurst Street
Toronto ON M5V0N1

Between: Wing Kam Monica Chu Landlord

And

Jerry Hewitt Tenant

Review Order

Wing Kam Monica Chu (the 'Landlord') applied for an order to terminate the tenancy and evict Jerry Hewitt (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-098060-25 issued on February 13, 2026. A hearing of the Landlord's L1 application was heard on February 2, 2026. Only the Landlord attended the hearing. The Tenant was not present or represented at the hearing.

On March 6, 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 9, 2026, interim order LTB-L-098060-25-RV-IN was issued, staying the order issued on February 13, 2026.

This application was heard by videoconference on April 23, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

The Review Request:

1. The Tenant requests a review on the basis that he did not receive the notice of hearing and was therefore not reasonably able to participate in the hearing.
2. The Board's records show that the notice of hearing was mailed to the Tenant at the rental unit address on January 8, 2026. There is no record that the notice was returned to the Board as undelivered.
3. The Tenant stated that he lives at the rental unit, has a mailbox in the building, and has no issue with his mailbox key. The Tenant testified that he does not check his mailbox

regularly because he usually communicates by email, text message, WhatsApp, or telephone.

4. For the following reasons, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding.
5. I have considered *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541. In that decision, the Divisional Court confirmed that where a notice of hearing is mailed to the correct address and is not returned by Canada Post, it is open to the Board to find that the notice was most likely received. The Court also confirmed that parties must exercise due diligence in dealing with legal proceedings. If parties are not diligent in dealing with legal proceedings, they cannot require the Tribunal to use its resources to hear the matter a second time, as doing so would undermine the administration of justice and the finality of Board orders.
6. In this case, the notice of hearing was mailed to the Tenant at the rental unit address. The Tenant continued to reside at that address. He had access to the mailbox. There was no issue with the mailbox key. The notice was not returned as undelivered. In these circumstances, I find it more likely than not that the notice of hearing was delivered to the Tenant's address, and the Tenant failed to check his mail.
7. The Tenant also testified that he was working on the hearing date. I do not find that this changes the result. The issue is whether the Tenant was reasonably able to participate. The Tenant's work schedule would only have become relevant if he had known of the hearing and taken steps to request an adjournment or make arrangements to attend. He did not do so because he had not checked his mail.
8. On the evidence before me, I find that the Tenant's failure to attend resulted from a lack of due diligence in dealing with the proceeding. Applying *Berezovs'ka*, that lack of diligence is a sufficient basis to refuse the request to review.
9. Therefore, the Tenant has not demonstrated that he was not reasonably able to participate in the hearing. The request to review is denied.

Lifting the stay:

10. With respect to the lifting of the stay, I invited submissions from the parties. For the reasons that follow, the stay of the order will be lifted on May 8, 2026.
11. The evidence before me is that the Tenant has not made any rent payments since July 2025. I also accept the Landlord's evidence that she is approximately \$25,000.00 in debt because of the rent arrears and has had to borrow money to maintain the rental unit and meet related expenses.
12. I find that any further delay beyond May 8, 2026, would prejudice the Landlord and would likely result in additional arrears. As such, the stay of the order will be lifted on May 8, 2026.

It is ordered that:

1. The request to review order LTB-L-098060-25 issued on February 13, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 9, 2026, is cancelled. The stay of order LTB-L-098060-25 is lifted on May 8, 2026.

May 1, 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.