



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

Citation: Santos Chimal v Kowalski, 2026 ONLTB 30313

Date: 2026-04-15

File Number: LTB-T-100376-24-RV & LTB-T-001275-25-RV

In the matter of: BASEMENT, (SIDE DOOR), 561 BURTON AVE
SUDBURY ON P3C4K8

Between: Giovanna Marcela Santos Chimal Tenant

And

Marcin Kowalski Landlord

Review Order

Giovanna Marcela Santos Chimal (the 'Tenant') applied for an order determining that Marcin Kowalski (the 'Landlord') :

- entered the rental unit illegally.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.
- withheld or interfered with their vital services or care services and meals in a care home

The Tenant also applied for an order that the Landlord failed to meet the Landlord's maintenance obligations under the Residential Tenancies Act, 2006 (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

These applications were resolved by order LTB-T-100376-24; LTB-T-001275-25 issued on April 15, 2026.

On April 28, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. The Tenant's request to review alleges that the Tenant was not reasonably able to participate in the proceeding because of "mandatory departure from Canada following a decision issued by Immigration, Refugees and Citizenship Canada". The Tenant states

that this mandatory and involuntary departure “resulted in immediate displacement, lack of stable housing, and lack of reliable Internet access.”

2. A review of the documentation on file shows:

1. the Tenant emailed the Board on March 16, 2026 to request an adjournment of the April 9, 2026 hearing date stating that they were unavailable on the hearing date, but would be available April 27, 2026 and onward;
 2. the Board emailed the Tenant on March 19, 2026 advising the Tenant that they would need to file a Request to Reschedule;
 3. the Tenant filed a request to reschedule dated March 25, 2026 wherein the Tenant states that they are unable to attend the hearing on April 9, 2026 because they must attend a medical procedure in Mexico on that date;
 4. the Tenant’s request to reschedule was denied on March 31, 2026.
3. Although, the Tenant did not attend the hearing before it was dismissed as abandoned, the Tenant did call into the hearing block after the matter was dismissed. The Tenant stated at that time that they were in Mexico at the hospital and that they did not call into the hearing block on time because they did not have reliable internet access.
4. I am not persuaded that the Tenant was not reasonably able to participate in the proceeding. Firstly, the Tenant’s request to review is wholly inconsistent with the information the Tenant provided seeking rescheduling of the hearing and with the information the Tenant provided on the actual hearing date to the presiding Member. The discordant explanations for not being able to attend the hearing undermines the veracity of the Tenant’s allegation that they could not attend the hearing on April 9, 2026. Secondly, the Tenant has not explained how they were able to attend the hearing block at 10:02 AM after the matter was dismissed, but could not do so at 9:00 AM when the matter was scheduled to be heard. Ultimately, the Tenant has not explained why they did not attend the hearing.
5. For these reasons, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings or that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-T-100376-24; LTB-T-001275-25 issued on April 15, 2026 is denied. The order is confirmed and remains unchanged.

April 15, 2026
Date Issued

Richard Ferriss
Member, Landlord and Tenant Board

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