



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

Citation: Darcy v Chin, 2026 ONLTB 39574

Date: 2026-05-15

File Number: LTB-L-092960-25-RV

In the matter of: 2, 75 SOUTH DR
KITCHENER ON N2M4B4

Between: Aderita Darcy Landlord
Darin Reis

And

Kerian Chin Tenant

Review Order

Aderita Darcy and Darin Reis (the 'Landlord') applied for an order to terminate the tenancy and evict Kerian Chin (the 'Tenant') because the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-092960-25 issued on January 30, 2026.

On March 10, 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 11, 2026, interim order LTB-L-092960-25-RV-IN was issued, staying the order issued on January 30, 2026.

The review request was heard by videoconference on April 28, 2026.

The Landlord, the Landlord's Legal Representative Wendy Cavacas, and the Tenant attended the hearing.

Determinations:

1. Application LTB-L-092960-25 was heard by videoconference on January 28, 2026. The Tenant did not attend. Based on the uncontested evidence of the Landlord, the Board terminated the tenancy.
2. The Tenant testified that she lost her mailbox key at the end of November 2025, and only found a spare on February 6, 2026, after the hearing had taken place. The Tenant explained that she did not get access to the mailbox earlier, as she would have had to

incur costs to hire someone to remove the external lock. Therefore, she searched for the spare instead. The Tenant also stated that she does not check her e-mail regularly.

3. The Landlord testified that she had a conversation with the Tenant on December 6, 2025, when picking up rent, and asked if the Tenant needs any help finding a place or more time to vacate since that would be preferable rather than having the Board impose an outcome. According to the Landlord, the Tenant was aware that a hearing had been scheduled.
4. The Landlord's Representative provided an e-mail she sent to the Tenant on January 20, 2026, which included the Notice of Hearing and the Landlord's evidence package. The e-mail read receipt shows that the Tenant opened the e-mail the same day.
5. In *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541, at paragraph 8, the Divisional Court found that "[l]ack of diligence in dealing with court proceedings is a reason for refusing to set aside an order where a party has failed to appear... 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. To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders."
6. I am not satisfied that the Tenant acted diligently in these proceedings. Not having access to one's mailbox for over two months exposes a person to missing important mail, as was the case here. It was the Tenant's responsibility to ensure she has access to her mail. Moreover, the Landlord's Representative sent the Notice of Hearing to the Tenant by e-mail on January 20, 2026, and provided confirmation that the Tenant read it the same day. Even if I accepted that the Tenant did not see the e-mail, which I do not, the Tenant ought to have checked her e-mails. Failing to check e-mails on a regular basis is a lack of diligence.
7. Therefore, I am not satisfied that the Tenant was not reasonably able to participate in the proceedings.

It is ordered that:

1. The request to review order LTB-L-092960-25 issued on January 30, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 11, 2026, is cancelled. The stay of order LTB-L-092960-25 is lifted immediately.

May 15, 2026
Date Issued

Kate Sinipostolova
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.