



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

Citation: Ottawa Community Housing v Bamanya, 2026 ONLTB 39978

Date: 2026-05-20

File Number: LTB-L-074466-25-RV

In the matter of: 2206, 415 MACLAREN ST
OTTAWA ON K2P2C8

Between: Ottawa Community Housing Landlord

And

Diane Bamanya Tenant

Review Order

Ottawa Community Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Diane Bamanya (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-074466-25 issued on November 26, 2025.

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-074466-25-RV-IN was issued, staying the order issued on November 26, 2025.

This review was heard by videoconference on April 30, 2026. The Landlord's agent Karine Viljean and the Tenant attended the hearing.

Determinations:

1. The order issued on November 26, 2025, terminates the tenancy for non-payment of rent and was issued on an uncontested basis as the Tenant was not present or represented at the hearing held on November 18, 2025.
2. The Tenant's request for review is filed on the basis that the Tenant was not reasonably able to participate in the proceedings. As explained below, I am not satisfied that the Tenant was not reasonably able to participate in the proceedings.
3. The Board's records confirm that notice of the November 18, 2025, hearing date was served to the Tenant on September 15, 2025. The Tenant does not dispute receiving notice of hearing.

4. The rental unit is a rent geared to income unit (RGI) and the arrears owing are as a result of the Tenant's RGI subsidy being revoked. The Tenant stated that despite receiving notice of hearing from the Board, she believed the hearing was not proceeding because prior to the hearing date she resubmitted her documents relating to her rent subsidy and believed that the arrears would be "taken care of" by way of her subsidy being reinstated.
5. The Tenant confirmed that she received no correspondence from the Landlord or the LTB advising that the November 18, 2025, hearing date was cancelled, nor did she receive a decision from the Landlord prior to the hearing date regarding her rent subsidy being reinstated or that the arrears owing were retroactively reduced.
6. The courts have enjoined that the phrase "not reasonably able to participate" should be interpreted broadly to ensure natural justice and, where a party shows that they genuinely intended to participate in a hearing but were prevented from so doing, then they should be entitled to a hearing through the review process. In this case, I find that the Tenant's non-attendance at the hearing was due to a lack due diligence on her part. As stated by the Divisional Court in *Q Res IV Operating CP Inc. v. Berezovs'ka* 2017 ONSC 5541 "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".
7. In this case, the Tenant received notice of hearing from the LTB and had the resources available to participate in the hearing. Despite this, the Tenant simply assumed that the hearing was cancelled and that the arrears were no longer owing, despite receiving no confirmation from the LTB or her Landlord indicating this. The Tenant's actions are unreasonable and should not warrant a new hearing. Parties cannot simply choose not to participate in a proceeding and then demand a rehearing of the matter because they are not happy with the hearing outcome. There was no evidence before the Board to suggest that the Tenant was actually prevented from attending the hearing due to an unforeseen circumstance.
8. As such the Tenant's request for review must be denied.
9. At the hearing, the Landlord did not oppose a delay in lifting the stay of the November 26, 2026, order. The Tenant is currently on Ontario Works and is receiving minimal income.
10. Based on the evidence and submissions before the Board I find that it would not be unfair to delay lifting the stay to June 30, 2026 to allow the Tenant some additional time to secure alternate housing. I find that delaying beyond this date would be unfair to the Landlord as the arrears of rent are increasing each month.

It is ordered that:

1. The request to review order LTB-L-074466-25 issued on November 26, 2025, 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-074466-25 is lifted June 30, 2026.

May 20, 2026
Date Issued

Fabio Quattrociocchi
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.