



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

Citation: TRENTON MEMORIAL LODGE v WADDLING, 2026 ONLTB 40809

Date: 2026-05-21

File Number: LTB-L-055866-25-RV-RV

In the matter of: 404, 80 Catherine St CATHERINE ST
Trenton ON K8V6N8

Between: TRENTON MEMORIAL LODGE Landlord

And

KATHLEEN WADDLING Tenant

Review Order

TRENTON MEMORIAL LODGE (the 'Landlord') applied for an order to terminate the tenancy and evict KATHLEEN WADDLING (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

This application was resolved by order LTB-L-055866-25-RV issued on May 6, 2026. The review hearing was held on February 9, 2026 and the Tenant attended the hearing.

On May 20, 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. By way of background the Landlord's application was resolved by order LTB-L-055866-25 issued on January 7, 2026. The Tenant did not attend the hearing held on November 24, 2025. The Tenant requested a review of the order on the ground of not reasonably able to participate. The review hearing was held on February 9, 2026 and the Tenant was in attendance. The order was issued on May 6, 2026 where the Member denied the Tenant's review request.
2. In this review request, the Tenant claims that she was not reasonably able to participate at the hearing and believes the order contains a serious error. Specifically, the Tenant said that she was not notified about the hearing by anyone and the Member

misinterpreted her testimony. She said the Notice of Hearing was in her mailbox on the date of the hearing, after it had taken place.

3. On the basis of the submissions made in the request, 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.
4. I have reviewed the application record and has listened to the February 9, 2026 hearing recording.
5. At around 25:47 of the recording, the Tenant said that she was aware of a hearing and heard it from either Cindy or maybe Bill. However, during the Landlord's submissions, the Property Manger said that she did not alert the Tenant to the hearing. While Bill is not an employee of the Landlord, he was not at the hearing to testify.
6. I acknowledge that the order a paragraph 3, inadvertently refers to the Tenant being made aware of the hearing by the Landlord's employee, and while this is not true, it is not material to the outcome. Based on the Tenant's submissions, it was either Cindy or Bill who mentioned the hearing.
7. Even if the Member misunderstood the Tenant's position, it would not change the outcome of the order as paragraph 5 of the order deals with the Notice of Hearing that was mailed to the rental unit address and not returned as undeliverable. The Member listened to the submissions of the parties and found that the Board mailed the Notice of Hearing, deemed served October 28, 2028; around one month before the scheduled hearing. It was not returned as undeliverable. Having reviewed the Board's records, the Member finds that, despite the Tenant's belief, the Notice of Hearing was mailed to the Tenant's correct address. The Member also considered the Property Manager's testimony that she did not receive the Notice in error and then place it in the Tenant's mailbox the day of the hearing.
8. On the totality of evidence before the Board, the Member made a reasonable conclusion that the Tenant received proper notice of the hearing and for whatever reason, did not attend the hearing.
9. The Board record and the hearing recording confirm that the Tenant participated at the February 9, 2026 hearing and fully exercised her right to participate. She led submissions and challenged the Property Manager's submissions. Therefore it cannot be said that she was not reasonably able to participate at the hearing.
10. With respect to the Member's decision to deny the Tenant's request to review the order, the Member's decision was based on the evidence before her and the Member's findings of fact are rational and entitled to deference.
11. The Tenant has therefore not demonstrated that a serious error may exist in the May 6, 2026 order or that she was not reasonable able to participate at the February 9, 2026 hearing. The request to review the order must accordingly be denied.

It is ordered that:

1. The request to review order LTB-L-055866-25-RV issued on May 6, 2026 is denied. The order is confirmed and remains unchanged.

May 21, 2026
Date Issued

Dana Wren
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.