



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

File Number: LTB-T-087113-24-RV

In the matter of: 1116, 100 Gloucester Street
Toronto ON M4Y1M1

Between: NUR VURAL Tenant
Emre YESILKAYA

And

MetCap Living - Apartments For Rent Landlord

Review Order

NUR VURAL and Emre YESILKAYA (the 'Tenant') applied for an order determining that MetCap Living - Apartments For Rent (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.

This application was resolved by order LTB-T-087113-24 issued on March 17, 2026.

On April 14, 2026, the Landlord requested a review of the order issued on March 17, 2026 and that the order be stayed until the request to review the order is resolved, as they alleged that they were not reasonably able to participate at the proceedings on February 27, 2026.

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.

Determinations:

1. To summarize, in the Landlord's request to review, they assert that they did not know about the hearing and therefore did not attend. The Landlord states that the Landlord did not receive the Notice of Hearing for the hearing scheduled on February 27, 2026. The Landlord first became aware of the hearing on coincidence, through another legal counsel, Ms. Daniels, who was present in the hearing for another unrelated matter. When Ms. Daniels was in the hearing, she was advised by the presiding member that there is another MetCap file on the docket. Upon being advised of this, Ms. Daniels proceeded to message Management, advising them that she became aware of the hearing. In response, she received a message from Management that stated they did not receive the Notice of Hearing. A transcript of this conversation was submitted with the Landlord's Request to Review.

2. Furthermore, the email that was included for the Landlord on the Tenant's application is incorrect and therefore the email that the Notice of Hearing was sent to was not the one that the Landlord uses and does not amount to proper service on the Landlord. The Landlord submits that the Landlord did not deliberately miss the hearing, but they did not know that there was a hearing taking place on February 27, 2026. For these reasons, the Landlord is requesting that their Review Request is granted.

Legal Analysis

3. Based on the evidence and submissions in the Landlord's Request for Review, I am not satisfied on a balance of probabilities that the Landlord was not reasonably able to participate in the hearing held on February 27, 2026.
4. Although I considered the Landlord's submissions that there was a different email on file, by the Landlord's own admission, they were made aware of the proceeding on the day of the hearing. I am not satisfied that the Landlord has provided a reasonable explanation for their failure to attend once they were advised of the proceeding, or for not requesting an adjournment of the matter when they were made aware of the proceedings. I note that in the Divisional Court decision in *Q Res IV Operating GP Inc. v Berezovs'ka*, 2017 ONSC 5541, the Divisional Court upheld the LTB's decision to deny a review because the Landlord was negligent in handling their mail. At paragraph 8 the Court notes that "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".
5. As the Landlord did not provide a reasonable explanation for not attending the hearing I find the Landlord chose not to participate or neglected to participate in the hearing, and they may regret that but a lack of attention to legal proceedings does not entitle a party to a new hearing. For the reasons outlined above, the request to review is denied. I find that the Landlord was reasonably able to participate in the hearing.

It is ordered that:

1. The request to review order LTB-T-087113-24 issued on March 17, 2026 is denied. The order is confirmed and remains unchanged.

May 25, 2026
Date Issued

Nathalia Debski
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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