



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

File Number: LTB-T-056947-24-RV

In the matter of: Basement, 512 UPPER GAGE AVE
HAMILTON ON L8V4J5

Between: Halime Alnadjib Senoussi Tenant

And

TAO MENG Landlord

Review Order

Halime Alnadjib Senoussi (the 'Tenant') applied for an order determining that TAO MENG (the 'Landlord') :

- 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.

Halime Alnadjib Senoussi (the 'Tenant') applied for an order determining that TAO MENG (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-056947-24 issued on March 3, 2026. The Landlord nor their legal representative did not attend the January 12, 2026 hearing.

On April 1, 2026, the Landlord requested a review of the order, and that the order be stayed until the request to review the order is resolved.]

On April 17, 2026 interim order LTB-T-056947-24-RV-IN was issued, staying the order issued on March 3, 2026

This review was heard by videoconference on May 12, 2026.

The Landlord's Legal Representative Colin Millar, an Articling Student Jacob Alaichi, the Landlord and the Tenant attended the hearing.

The Tenant was assisted by a support person Tracie Daigle.

Determinations:

1. The Landlord submitted a request for a review alleging that they nor their legal representative had received the notice of hearing for the January 12, 2026 hearing.
2. The Landlord also alleged that the order contained a serious error because the only evidence considered was the uncontested evidence of the Tenant.

Not reasonable able to participate

3. The Landlord submitted that neither they nor their client received the notice of hearing for the January 12, 2026, hearing.
4. They submitted that they had attended the November 6, 2025, hearing that had been adjourned.
5. They submitted that the legal represented had not been put on record after the November 6, 2025, hearing. (the inference appeared to be that the Board did not list them as the legal representative of record) They submitted that in their experience this is normally done by the Board when they appear before the Board.
6. The Tenant made no submissions on the Landlord's request.
7. I determined that the Landlord had been able to attend the hearing and that it is more likely through a lack of diligence that they did not attend.
8. The Board's normal practice is to communicate with parties via email. The Landlord and their legal representative attended the November 6, 2025, hearing. This shows that the email communications had worked as intended.
9. The Board issued the Notice of Hearing for the January 12, 2026, hearing on November 18, 2025, by email. There is no record that the email had bounced or otherwise been returned to the Board. Rule 3.9 of the Board's Rules of Procedures state that an email is deemed received on the day it is sent.

A document is considered served on the:

d. day it was sent when sent by email;

10. This is a rebuttable presumption. However, beyond the bald submissions of the legal representative, there was no evidence and no testimony from the Landlord to explain how it is they received the notice of hearing by email for the November 6, 2025, hearing and not for the January 12, 2026, hearing.
11. Although the legal representative may have attended the November 6, 2025, hearing, that does not satisfy the requirements to advise the board and all other parties in writing that the legal representative is acting for the Landlord. It is not uncommon for a legal representative to appear, without having fulfilled their obligations pursuant to the Board's Rules at Rule A9.3 to advise the Board in writing when they begin to act for a party. In a hearing, the Board may as a matter of courtesy remind a legal representative of Rule A

9.3, however the Board does not embark on an examination of the legal representative's retainer, (limited or otherwise) and does not normally request the legal representative's address etc., since Member's are focused on the adjudicative decisions they are required to make and not on the administrative obligations of the representatives that appear before the Board.

Where a representative begins or ceases to act for a client, **the representative must immediately advise the LTB and the other parties in writing and** provide up-to-date contact information for the party and any new representative. Where a representative ceases to act for a client the LTB may issue directions to ensure fairness to all parties and to prevent undue delay of proceedings. (emphasis added)

12. It was only on May 5, 2026, when the legal representative formally advised the Board in writing via email that they had been retained. This appears to have been done when they were unable to upload documents to the Portal. If they had gone on the record, the Board would have provided a PIN so that they could comply with the Board's *Practice Direction Requiring Law Society Licensees to use the Tribunals Ontario Portal*.
13. I accept that the legal representative may have appeared previously before the Board, therefore they are expected to be familiar with the Board's Rules, Practice Directions and Guidelines. In my view, a failure to go on the record or the failure to monitor emails show a lack of due diligence. This is not a reason for the Board to expend precious time re-hear matters when a party fails to attend.
14. In *Q Res IV Operating GP Inc. v Berezovs'ka*, 2017 ONSC 5541 (Div Ct), the Divisional Court found that a party to a board proceeding must exercise appropriate diligence to be aware of and to attend a Board proceeding.
15. In my view the Landlord either failed to check their email or was not diligent in reading these emails. The Board has previously found that a failure to check one's email, including a spam/junk folder, does not constitute an extraordinary circumstance that would warrant granting a review.
16. The lack of due diligence in checking one's own emails was recently upheld by the Divisional Court in *Reid v. Shewen.*, 2025 ONSC 4196.
17. The Legal Representative's failure to go on the record in writing in compliance with the Board's Rules show a lack of due diligence.
18. On the basis of the submissions, I am not satisfied that the Landlord was not reasonably able to participate in the proceedings.

Serious Error

19. The Landlord submitted that because the Board only considered the uncontested evidence of the Tenant that this constituted a serious error. They submitted that the Landlord has evidence that disproves the Tenant's allegations and the finding in the order issued on March 23, 2026.

20. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented.

The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance. There is nothing in the record or in the request for review to support a determination that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality. TSL-51694-14-IN-RV (Re), 2015 CanLII 23959 (ON LTB) at para 10.

21. The Landlord did not refer the Board to any caselaw to support their supposition that the Board's reliance on uncontested evidence amounts to a serious error.

22. The January 12, 2026, hearing was uncontested, the Landlord did not appear to respond to the allegations. As such the Board is entitled to rely on the evidence and testimony admitted during the hearing. A review is intended to correct a mistake, however in this case the Board did not make a mistake.

23. On the basis of the submissions, I am not satisfied that there is a serious error in the order, nor that a serious error occurred in the proceedings.

24. Therefore, the Landlord's request for a review is denied and the order is confirmed.

It is ordered that:

1. The request to review order LTB-T-056947-24 issued on March 3, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on April 17, 2026, is cancelled. The stay of order LTB-T-056947-24 is lifted immediately.

May 29, 2026
Date Issued

Robert Patchett
Vice Chair, 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.