



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

File Number: LTB-L-107434-25-RV

In the matter of: Upper, 130 ST GEORGE ST
BRANTFORD ON N3R1V6

Between: Jacqueline Kirby Landlord

And

Jeff Jones Tenant
Rowena Jones

Review Order

The capitalized word “Landlord” and/or “Tenant” refer to all parties identified as each at the top of the order.

Jacqueline Kirby (the 'Landlord') applied for an order to terminate the tenancy and evict Jeff Jones and Rowena Jones (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-107434-25 issued on March 10, 2026.

On March 24, 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 25, 2026, interim order LTB-L-107434-25-RV-IN was issued, staying the order issued on

This application was heard by videoconference on May 21, 2026.

The Landlord's Agent/Power of Attorney Catherine Kirby and the Tenant attended the hearing.

Determinations:

Preliminary Issues

1. The parties agree that order LTB-L-107434-25 issued on March 10, 2026, amended the named Tenant as above.
2. The Tenant filed substantial evidence on the portal with respect to section 83 issues they intended on raising. This evidence was not served to the Landlord and the required form, 'Issues a Tenant intends on raising at the hearing' was not completed, therefore the matter

proceeded on the arrears issue only. The Tenant retains the right to file their own application(s).

Review Request

3. The Tenant's request to review was based on not reasonably able to participate and serious error.
4. The Tenant testified the review should be granted because they attended the hearing but had technical difficulties with their audio, therefore they could not be heard. They tried contacting hearing support but did not hear back in time
5. The Landlord's Agent submitted the Tenant's testimony is not credible because the review request says they were logged on and waiting to be admitted to the hearing room, which differs from the testimony today.
6. The Tenant reiterated they were in attendance, but they may have mixed up what each room is called.
7. Based on the submissions made in the request, I am satisfied that the Tenant was not reasonably able to participate in the proceeding. In *Kathryn King-Winton v. Doverhold Investments* (2008 CanLII 60708 (ON SCDC)), the Divisional Court stated, "Being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less." Here, I accept that the Tenant mixed up the name of the room they were in, and had fully intended on participating in the process.
8. However, during the merits portion of the hearing when responding to the Landlord seeking a standard order, the Tenant said they need a few months to move but they would not pay rent in the interim. Based on the Tenant's refusal to pay rent, the review is being denied and the original order put back in pace with the stay being lifted in the standard order time, 11-days from the date of this order.

It is ordered that:

1. The request to review order LTB-L-107434-25 issued on March 10, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on is cancelled. The stay of order LTB-L-107434-25 is lifted June 6, 2026.

May 26, 2026
Date Issued

Diane Wade
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.