



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

Citation: 1378026 Ontario Inc. v Smijan, 2026 ONLTB 38462

Date: 2026-05-26

File Number: LTB-L-079286-25-RV2

In the matter of: 56 OAKMONT DR
BATH ON K0H1G0

Between: 1378026 Ontario Inc. Landlord

And

Darryl Shawn Smijan Tenants
Rachel Smijan

Review Order

1378026 Ontario Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Darryl Shawn Smijan and Rachel Smijan (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-079286-25 issued on March 4, 2026.

On March 17, 2026 the Tenants requested a review of the order.

The request to review was resolved by order LTB-L-079286-25-RV issued on May 13, 2026.

On May 25, 2026, Rachel Smijan ('Tenant 1') requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. This matter first came before the Board on December 1, 2025. Both Tenants attended the hearing by telephone on that date.
2. The hearing of the Landlord's application was adjourned at that time on a peremptory basis so the Tenants could obtain legal counsel. There is no evidence on file that the Tenants ever obtained legal representation.
3. Interim order LTB-L-079286-25-IN dated December 3, 2025 required the Tenants to pay the rent in full and on time until the hearing was reconvened. It would appear from order LTB-L-079286-25 issued on March 4, 2026 that the Tenants did not comply with the interim order in this regard.

4. The Tenants requested a review of order LTB-L-079286-25 issued on March 4, 2026 alleging that they were not reasonably able to participate in the proceeding. More specifically, the Tenants stated that they were having complications with their internet on the day of the hearing and that they did not know they could attend the hearing by telephone. I processed the Tenants' request to review and by interim review order LTB-L-079286-25-RV-IN directed it to a review hearing. At that time, I had not listened to the December 1, 2025 hearing recording and was not aware that the Tenants had attended the hearing by telephone. In processing the Tenants' current request to review, I have listened to the December 1, 2025 hearing recording and discovered that the Tenants attended the hearing by telephone. Had I been aware of this when I processed the Tenants' first request to review, I would have denied the request to review.
5. The Tenants did not attend the review hearing on May 11, 2026 and their request to review was dismissed as abandoned.
6. Tenant 1 now requests a review on the basis that they were not reasonably able to participate in the proceeding because they were hospitalized and too unwell to attend the hearing. Tenant 1 has not supplied any documentation with respect to their alleged hospitalization.
7. No explanation has been provided as to why the other Tenant, Darryl Shawn Smijan ('Tenant 2'), did not attend the hearing.
8. Given the lack of documentation regarding Tenant 1's hospitalization or medical condition on the hearing date, I am not persuaded that they were hospitalized or unable to attend the review hearing.
9. As a result, 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 Tenants were not reasonably able to participate in the proceeding.
10. In addition to the above, the Tenants' first request to review contained false information (i.e. stating that they did not know they could attend the hearing by telephone when they had attended prior hearings by telephone) which would have caused it to be denied at the review hearing. As a result, there would be no point in scheduling another review hearing.

It is ordered that:

1. The request to review order LTB-L-079286-25-RV issued on May 13, 2026 is denied. The order is confirmed and remains unchanged.

May 26, 2026
Date Issued

Richard Ferriss
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.