



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

Citation: 10543969 Canada Inc. v Mbarki, 2026 ONLTB 42725

Date: 2026-05-28

File Number: LTB-L-014360-26-RV

In the matter of: 904, 121 PARKDALE AVE
OTTAWA ON K1Y4J2

Between: 10543969 Canada Inc. Landlord

And

Rachid Mbarki Tenant

Review Order

10543969 Canada Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Rachid Mbarki (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-014360-26 issued on May 8, 2026. The application was dismissed as abandoned.

On May 27, 2026, the Landlord requested a review of the order.

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

Determinations:

1. The review request is filed on the basis that the Landlord was not reasonably able to participate in the May 5, 2026 hearing proceeding.
2. In the request, the Landlord states that they were not reasonably able to participate in the hearing due to a technical/calendar error resulting in the hearing date not properly being saved in their scheduling system, causing them to inadvertently miss the hearing.
3. The Landlord acknowledged having received the Notice of Hearing from the LTB with the date and time of the hearing. The order states that the application was called at 1:54 p.m. and dismissed at that time because the Landlord was not in attendance.
4. In the request, the Landlord provides no explanation as to what steps were taken to confirm the hearing date and time, despite acknowledging receipt of the Notice of Hearing and adding the hearing date to their calendar. While I accept that there may have been a technical calendar issue, I am not satisfied that this rendered the Landlord not reasonably able to participate in the hearing.

5. The Divisional Court has affirmed that parties are required to exercise due diligence in dealing with legal proceedings, and a party's failure to do so is not a reasonable basis for rehearing the application (*Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 CanLII (Div. Ct.)).

6. In *Berezovs'ka*, at para. 8, the Court noted 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.

7. For the above reasons, I am not satisfied that the Landlord exercised due diligence to ensure their attendance at the hearing or chose not to attend. Accordingly, the request for review must be denied.

It is ordered that:

1. The request to review order LTB-L-014360-26 issued on May 8, 2026 is denied. The order is confirmed and remains unchanged.

May 28, 2026
Date Issued

Mayra Sawicki
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.