



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

Citation: Wilson Kennedy Holdings Inc. v Wickham, 2026 ONLTB 42703

Date: 2026-06-01

File Number: LTB-L-106811-25-RV

In the matter of: 709, 893 Kennedy Rd
Scarborough ON M1K2G2

Between: Wilson Kennedy Holdings Inc.

Landlord

and

Jun 1, 2026

Cheryl Wickham

Tenant

Review Order

Wilson Kennedy Holdings Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Cheryl Wickham (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-106811-25 issued on March 9, 2026.

On May 11, 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 May 11, 2026, interim order LTB-L-106811-25-RV-IN was issued, staying the order issued on March 9, 2026.

This application was heard by videoconference on May 27, 2026.

The Landlord's Legal Representative, James Moak, and the Tenant attended the hearing.

Determinations:

1. On the basis of the submissions made, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding. Accordingly, the Tenant's request to review must be denied.
2. The Tenant testified that she did not receive the N4 Notice of Termination, notice of the hearing, or a copy of the order from the Board. She testified that she also did not receive a copy of the notice to vacate from the Sheriff, which the Landlord's Representative states is usually taped to the rental unit door prior to the eviction. She testified that she first learned of the proceedings when the Sheriff arrived to evict her.

3. Under the *Residential Tenancies Act, 2006* a mailed document is deemed to be received 5 days later. The Board's records show that the notice of hearing was sent to the Tenant by mail on February 4, 2026. The Board's records also show that a copy of the order was mailed to the rental unit on March 9, 2026. Neither of these documents were returned to the Board. According to the Certificate of Service filed with the Board, the N4 Notice of Termination was also sent to the Tenant by mail to the rental unit.
4. Based on the evidence before the Board, I find, on a balance of probabilities, that the Tenant did receive the notice of hearing from the Board in the mail and either did not exercise due diligence to ensure her attendance at the hearing or simply chose not to attend.
5. There are reasons to doubt the Tenant's claims. I say this because the Tenant initially testified that she has had letters and packages go missing from her mailbox but after being asked whether she had reported these issues to Canada Post, she stated that she has never had any letters go missing from her mailbox that she is aware of, only missing packages delivered to her door. She also testified that only Canada Post has access to her mailbox other than her.
6. I find it highly unlikely that the only mail to have ever gone missing is mail related to these proceedings, which were sent not only from the Board but by the Landlord as well. Additionally, it is curious to me that the Tenant testified to being very concerned about not receiving these items but yet she made no inquiry or report to Canada Post about several pieces of important mail she alleges was never delivered to her mailbox.
7. For the foregoing reasons, I find it more likely than not that the Tenant did receive the Notice of Hearing in the mail and that he was, therefore, reasonably able to participate in the hearing on March 3, 2026. The Tenant's failure to attend the March 3rd hearing can only be attributed to her lack of due diligence in these proceedings. Therefore, the Tenant's request to review the order is dismissed.

It is ordered that:

1. The request to review order LTB-L-106811-25 issued on March 9, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on May 11, 2026 is cancelled. The stay of order LTB-L-106811-25 is lifted immediately.

June 1, 2026
Date Issued

Candace Aboussafy
Member, Landlord and Tenant Board

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