



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

File Number: LTB-L-094955-25-RV

In the matter of: 805, 1425 BODMIN RD
MISSISSAUGA ON L5J3T4

Between: CAPREIT LIMITED PARTNERSHIP Landlord

And

SIMONE DAWKINS Tenant

Review Order

CAPREIT LIMITED PARTNERSHIP (the 'Landlord') applied for an order to terminate the tenancy and evict SIMONE DAWKINS (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-094955-25 issued on February 11, 2026.

On March 30, 2026, the Tenant requested an extension of time and review of the order, and that the order be stayed until the request to review the order is resolved.

On March 31, 2026, interim order LTB-L-094955-25-RV-IN was issued, staying the order issued on February 11, 2026.

This application was heard by videoconference on May 28, 2026.

The Landlord's Legal Representative Jason Paine and the Tenant attended the hearing.

Determinations:

1. The Tenant's review request is based on not reasonably able to participate process.
2. The Tenant testified the review should be granted; she did not know there was a hearing until she received the sheriff's notice to vacate. She does not know why she did not receive the documentation as she has gone to the Board before and notice/documents have been emailed to her; she checked her email, and she did not receive anything. Had she received notice she would have attended.
3. The Landlord's Legal Representative submitted that the review should not be granted; in the hearing order the member deemed the notice to be served; the Tenant would have received hearing documents from the Board, therefore, she ought to have been aware.

4. Based on the submissions made in the request and the testimony before me, 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 did not become aware of the hearing until the sheriff came and that she would have attended had she known about it.
5. Upon granting the review, the parties agreed to the following terms.

It is ordered on consent that:

1. The request to review order LTB-L-094955-25 issued on February 11, 2026, is granted; the order is replaced with the following.
2. The Tenant shall pay the Landlord \$1,050.39 which represents the arrears of rent owing to May 31, 2026, and costs to the Landlord to file the application with the Board, minus \$637.35 awarded to the Tenant in order LTB-T-064530-25 issued by the Boards on March 6, 2026.
3. The Landlord's application for eviction of the Tenant is denied on the condition that payment is made in accordance with the following:
 - a) Pay \$400.00 on or before June 15, 2026.
 - b) Pay \$400.00 on or before July 15, 2026.
 - c) Pay \$250.39 on or before August 15, 2026.
4. The Tenant shall also pay the Landlord the rent for the months of June through August 2026 in full, and on the first of each corresponding month, or until the arrears are paid in full, whichever date is earliest.
5. If the Tenant fails to make any of the payments in accordance with paragraphs 3 and 4, and by the dates required, then:
 - (a) The Landlord may apply under section 78 of the Residential Tenancies Act, 2006 (the 'Act') for an order terminating the tenancy and evicting the Tenant, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 2 of this order.
 - (b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the Act.

6. The interim order issued on March 31, 2026, is cancelled.

June 3, 2026
Date Issued

Diane Wade
Member, Landlord and Tenant Board

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