



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

File Number: LTB-L-109370-25-RV

In the matter of: 307 George St E
Kemptville ON K0G1J0

Between: Barrie Taylor Landlord
Paula Gerlach

And

Ashley Feher Tenant

Review Order

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

Barrie Taylor and Paula Gerlach (the 'Landlord') applied for an order to terminate the tenancy and evict Ashley Feher (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-109370-25 issued on March 13, 2026; the Tenant did not attend.

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 interim order LTB-L-109370-25-RV-IN was issued, staying the order issued on March 25, 2026.

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

The Landlord and the Tenant attended the hearing.

Determinations:

1. The Tenant's review request is based on not being reasonably able to participate in the hearing.
2. The Tenant testified she was subpoenaed as a witness in court; the trial lasted 10 days. She received the subpoena mid-January and contacted the Board about changing the hearing date of the arrears application. The Board told her to file a request to reschedule

the hearing but she could not figure the paperwork out and she had no time to do anything else. She filed the review with the assistance of the Salvation Army when she received the hearing order. She wants to participate because she disputes the amount owing because of an Internal Review.

3. The Landlord submitted that the review should be denied. The Tenant's request for review says she could not attend the hearing because she was at court in Brockville on March 10, 2026; the L1 application hearing was on March 9, 2026. Further, the Tenant waited until after the termination date in the order and has not made any attempt to pay rent or the arrears therefore, the prejudice to the Landlord is substantial.
4. The Tenant replied that she believed the hearing was March 9, 2026; she does not recall getting the paperwork for March 10, 2026. She also has section 82 issues she wishes to raise.
5. Based on the submissions made in the request and the testimony at the hearing, I am not satisfied that that the Tenant was not reasonably able to participate in the proceeding. The Tenant did not exercise due diligence. The Tenant did not thoroughly read the hearing notice which is clear that the hearing was scheduled the day before she had to attend court in Brockville. The Tenant did not seek help to understand and fill out the request to reschedule. Further, although she did not understand the rescheduling paperwork, by her own admission, she took no more steps but did not explain how from mid-January to March 2026 she "had no time to do anything else". The Divisional Court in Q Res IV Operating GP Inc. v. Berezovs'ka, 2017 ONSC 5541 said at paragraph 8 that, "Lack of due diligence in dealing with court proceedings is a reason for refusing to set aside an order where a party failed to appear"; the same analysis applies for a review request.

It is ordered that:

1. The request to review order LTB-L-109370-25 issued on March 13, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on is cancelled. The stay of order LTB-L-109370-25 is lifted immediately.

June 5, 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.