



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

File Number: LTB-L-018717-26-RV

In the matter of: 50 Ravensview Dr
Scarborough ON M1E3M1

Between: Roshan Razik Landlord

and

Robert Kiraly
Szandra Balogh
Gyorgy Salamon
Laszlo Horvath Tenants

Review Order

Roshan Razik (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Kiraly, Szandra Balogh, Gyorgy Salamon and Laszlo Horvath (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-018717-26 issued on June 3, 2026.

On June 4, 2026, the Tenants requested a review of the order.

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

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that the Tenants were not reasonably able to participate in the proceeding.
2. In the review request, the Tenants state that they did not attend the hearing because they mistakenly believed the hearing was scheduled for May 14, 2026. The Tenants give no further detail.
3. In *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708 (Div. Ct.), *Wright v. Lallion*, 2024 ONSC 4132 (Div. Ct.) and *Ali v. Capreit*, 2025 ONSC 103 (Div. Ct.), the Divisional Court found that the tenant in each case had an explanation for mistakenly believing in an incorrect hearing date, or mistakenly believing they were not required to attend the scheduled hearing.

4. Unlike those cases, the Tenants here offer no explanation for their alleged mistaken belief about the hearing date.
5. In *So v. Canadian Mental Health Association, Toronto Branch*, 2024 ONSC 3371 (Div. Ct.) (CanLII), the Divisional Court affirmed that a person who requests a review of an order must give “sufficient information to support a preliminary finding of an alleged serious error or an explanation why the requestor was not reasonably able to participate in the hearing”, per Rule 26.8 of the Board’s Rules of Procedure. The part of Rule 26.8(e) that addresses the reasonable ability to participate in the Board proceeding reflects section 209(2) of the *Residential Tenancies Act, 2006* (the ‘Act’).
6. In this case, the Tenants give no explanation for their alleged mistaken belief that the hearing was scheduled for May 14, 2026 instead of May 12, 2026. The Tenants do not assert that they believed they were not required to attend the proceeding at all. The cited cases in paragraph 3 above are, therefore, distinguishable from this review request.
7. Without any explanation for the alleged mistaken belief, I find the Tenants’ stated reason for failing to attend the hearing is not credible. Unlike in *King-Winton*, there was no discussion here about rescheduling the hearing date. Unlike in *Lallion*, there is no indication that there are multiple applications involving the tenancy, and the Tenants accordingly could not be confused by multiple notices of hearing. The Tenants’ assertion that they mistakenly believed the hearing was on May 14, 2026, without explanation, is therefore not credible on its face.
8. Additionally, I find that failing to give any explanation for allegedly mistaking the hearing date and, therefore missing the scheduled Board proceeding, cannot satisfy the reasonableness element in section 209(2) of the Act. The Divisional Court’s decision in *Ali v. Capreit* is therefore distinguishable from the present case.
9. With respect to the serious error alleged, the Tenants seek to challenge the Landlord’s evidence with respect to the rent arrears and to raise their own issues pursuant to section 82 of the Act. The Tenant submits that some amounts paid appear to not have been properly credited; the Tenants seek the opportunity to submit their own evidence. This does not amount to a serious error in the order or in the proceedings. The opportunity to challenge the Landlord’s evidence was at the hearing stage not at the review stage of the proceedings. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better outcome.
10. As I am not satisfied that the Tenants were not reasonably able to participate in the proceedings and in the absence of a demonstrable error in the June 3, 2026 order, the request to review the order must be denied.

It is ordered that:

1. The request to review order LTB-L-018717-26 issued on June 3, 2026 is denied. The order is confirmed and remains unchanged.

June 5, 2026
Date Issued

Candace Aboussafy
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.