



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

**File Number:** LTB-L-108549-25-RV

**In the matter of:** 1525 VOLLANS ST  
LASALLE ON N9H2M9

**Between:** MANAL ABBAS Landlord

**And**

MANNINA VIRGINIA Tenant

### **Review Order**

MANAL ABBAS (the 'Landlord') applied for an order to terminate the tenancy and evict MANNINA VIRGINIA (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes and the Tenant was persistently late in paying the Tenant's rent.

This application was resolved by order LTB-L-108549-25 issued on March 6, 2026.

On March 16, 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 March 17, 2026 interim order LTB-L-108549-25-RV-IN was issued, staying the order issued on March 6, 2026

This application was heard by videoconference on May 5, 2026.

The Landlord's Legal Representative Muhammad Malik and the Tenant attended the hearing.

### **Determinations:**

1. The Tenant's request to review alleges that the Tenant was not reasonably able to participate in the hearing held on March 4, 2026.
2. The Tenant testified that she was not aware of the hearing date. She testified that after the order was issued the Landlord had attended the rental unit to ask when the Tenant would be vacating and had spoken with her son. The Tenant testified that this prompted her to check her mail where she discovered the notice of hearing.
3. She testified that she suffers from mental illness and although she has good intentions this gets in the way. She testified that one of the effects is that there are times when she does not gather her mail which is delivered to a large community box. She explained that there have been times when she has not checked her mail for almost six months. She explained that she tends to avoid any problems and is seeking help in therapy.

4. The Tenant explained that it had been 3 or 4 months since she last checked her mail when she discovered the notice of hearing.
5. She acknowledged that she had been served the N4 and N8 Notice of Termination by hand but testified that she just kind of looked at them, scanned them and put them aside and forgot about them until the matter came up again, which she testified is a recurring thing with her. She testified that she thought the Landlord was trying to get her to move out but did not realise it was an actual termination.
6. On the basis of the submissions made in the request, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding.
7. The Board's records show the notice of hearing was mailed to the Tenant on February 5, 2026. The hearing was held on March 4, 2026. The order was issued and mailed to the Tenant on March 17, 2026.
8. The Tenant's own evidence was that she had not checked her mail for approximately 3 or 4 months prior to discovering the order.
9. Given that the Tenant was served the N4 and N8 by hand and knew they were in arrears of rent, and had not voided the N4, and the N8 is a non-voidable notice, they knew or ought to have known it was likely a notice of hearing would be issued and in their mail. In other words, if the allegations in the review request are true, the Tenant missed the hearing because of their own lack of due diligence. That is not the same thing as not being reasonably able to participate. (See: Khani v. Zhang, 2019 ONSC 1362 (Div. Ct.), and Q Res IV Operating GP Inc. v. Berezovs'ka, 2017 ONSC 5541 (Div. Ct.).)
10. While the Tenant asserts that she did not understand that the N4 and N8 were seeking termination, in my view both the N4 and N8 are deliberately crafted in such a way as to make this clear to Tenants and I note that both notices contain the phrase **"This is a legal notice that could lead to you being evicted from your home"** Both the N4 and N8 also make clear that the Landlord can apply to the Board for an eviction order and the N4 clearly explains that if the Landlord applies the Board will schedule a hearing and send the Tenant a copy of the Landlord's Application and notice of hearing. Therefore, I find the Tenant knew or ought to have known the Landlord was seeking termination, and a notice of hearing would follow.
11. Additionally, while the Tenant attributed her intermittent mail retrieval to underlying mental health conditions the Tenant did not refer me to any documentation, medical or otherwise which would support this diagnosis, or which would assist me in determining whether the Tenant is living with a disability which would support accommodation by the Landlord or the Board. I also note that the Tenant did not provide documentation to support that she had ever made the Landlord aware that she does not frequently check her mail, or that she had requested accommodation in the form of an alternate method or service from either the Landlord or the Board.
12. With respect to the lifting of the stay, the Landlord sought an immediate lift and the Tenant a delay of two or three months, and at a minimum a delay to the end of the school year, June 30, 2026. She explained that she has two children aged 22 and 14 and that her youngest is on an IEP plan and is finishing grade 8. She testified that his school is directly

across from the rental unit, and she wishes him to complete the school year before the tenancy is terminated.

13. She testified that she has been working with other parents and the school principal to determine if he can stay with another family to finish the school year and graduate with his class. She testified that she has located someone her son can stay with in order to accomplish this.
14. The Tenant also testified that she is working with the Welcome Centre to secure affordable housing but was not eligible for a room until she had a definite eviction date. The Tenant also intends to contact housing information services for assistance.
15. She also testified that she does not have a credit card, which complicates any move, and needs time to get everything wrapped up.
16. The Landlord's Legal Representative testified that the Tenant has been aware of the potential termination since the N4 and N8 were served in November 2025 and has not taken steps to secure alternative housing. He also explained that the Landlord is elderly, and the rental unit is her only investment property and only source of income.
17. I am satisfied that the Tenant has taken some steps to locate alternate housing, and made genuine efforts to ensure the impact to her children is minimized, and I am satisfied that a delay is appropriate. However, I also note that the tenancy does not appear to be viable, and the arrears exceed \$13,000.00 with no payments made since the Landlord's Application was first filed in December 2025 and accept that a lengthy delay would be unduly prejudicial to the Landlord. In consideration of the circumstances, I am satisfied that a delay to May 31, 2026 is appropriate to allow the Tenant additional time to secure alternate housing and make arrangements for her children.
18. As the date of the lifting of the stay was communicated to the parties at the hearing, it shall not be extended given the date of this order.

**It is ordered that:**

1. The request to review order LTB-L-108549-25 issued on March 6, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 17, 2026 is cancelled. The stay of order LTB-L-108549-25 is lifted May 31, 2026.

**June 5, 2026**  
**Date Issued**

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Reid Jackson  
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.

