



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

Citation: 236 Catherine Inc. v Maxwell, 2026 ONLTB 45958

Date: 2026-06-10

File Number: LTB-L-096906-25-RV

In the matter of: UNIT 17, 236 CATHARINE ST N
HAMILTON ON L8L4S6

Between: 236 Catherine Inc. Landlord

And

Victor Maxwell Tenant

Review Order

236 Catherine Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Victor Maxwell (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The application was resolved by order LTB-L-096906-25 issued on February 11, 2026.

On April 7, 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 April 8, 2026 interim order LTB-L-096906-25-RV-IN was issued, staying the order issued on February 11, 2026.

This request to review was heard by videoconference on June 8, 2026.

Only the Tenant, the Tenant's support person, Sandi Huk ('SH'), and Tenant Duty Counsel, Merima Menzildzic ('MM'), attended the hearing.

As of 2:05 p.m., the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing.

Determinations:

Request to Review

1. In the request to review, the Tenant alleges that he was not reasonably able to participate in the original hearing, which took place on February 3, 2026.
2. The evidence before me was that the Tenant lives in a residential care facility because he has a cognitive disability requiring additional care services. He has lived in the rental unit for about 6-7 years.
3. The Tenant does not have a dedicated mailbox, and mail is not delivered directly to the unit by Canada Post. The Tenant was unsure how he receives mail, only that he receives it with care workers give it to him.
4. The evidence was that the Tenant did not receive the notice of hearing for the February 3, 2026 hearing, and he did not attend the hearing because he did not know about it.
5. The notice of hearing was mailed to the Tenant at his rental unit address on January 12, 2026 by the LTB, but I accept the Tenant's evidence that he did not receive it and was unaware of the February 3, 2026 hearing before it took place.
6. For the foregoing reasons, I find that the Tenant was not reasonably able to participate in the February 3, 2026 hearing.
7. The request to review is granted. As a result, order LTB-L-096906-25 issued on February 11, 2026 was cancelled, and a new hearing was held to consider the merits of the original application.

Merits of the Original Application

8. Since the Landlord did not attend the hearing to support their application, I find that this application has been abandoned.

It is ordered that:

1. The request to review order LTB-L-096906-25 issued on February 11, 2026 is granted.
2. Order LTB-L-096906-25 issued on February 11, 2026 is cancelled and replaced by the following:
3. The Landlord's application is dismissed.

June 10, 2026
Date Issued

Mark Melchers
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.