



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

File Number: LTB-T-023679-26-RV

In the matter of: 33 DELANEY CRES
TORONTO ON M6K1P9

Between: Yunisha Nyaupane Tenant

And

Vakees Vallipuram Landlord

Review Order

Yunisha Nyaupane (the 'Tenant') applied for an order determining that Vakees Vallipuram (the 'Landlord') collected or retained money illegally.

This application was resolved by order LTB-T-023679-26 issued on May 14, 2026.

On June 22, 2026, the Tenant requested a review of the order.

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

Determinations:

Request to Extend Time to File a Review

1. The request to extend time to file a review is granted, but the review itself is denied.

Review Request

2. The Tenant did not attend the hearing that the Board scheduled for the application on May 7, 2026. As such the Tenant's application was dismissed as abandoned. The Tenant states the following about their absence:

3. 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.
4. The Tenant provides no explanation for why they believed that the hearing was set to occur the day after it was scheduled. The notice of hearing sent to the parties contained the correct date
5. In *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708, the Divisional Court found that a tenant's confusion over a hearing date could support a finding that they were not reasonably able to participate in the proceeding. However, in that case there was a reasonable explanation for the tenant's confusion. The Board's records contained confusing notations about when the hearing was to occur. In this case there is no similar reasonable explanation for the confusion.
6. 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. In this case the Tenant has provided insufficient information.
7. Section 209 of the *Residential Tenancies Act, 2006* ("the Act") establishes that the Board may review an order if a party was not reasonably able to participate in the proceeding. There is an inherent reasonableness requirement established by the Act. As stated in the Board's interpretation guideline on reviews the Board will refuse requests where the Board finds no reasonable explanation for the failure to attend.
8. That the Tenant has provided no explanation for why they were confused about the hearing start time does not support that they acted diligently in recording the information provided to them in the notice of hearing. In *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 (Div.Ct) the Court stated:

"Lack of diligence in dealing with court proceedings is a reason for refusing to set aside an order where a party has failed to appear. In other words, it was not an error in law for the Review Board to find that lack of diligence constituted a reason not to grant the landlord a rehearing. If parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders."

It is ordered that:

1. The request to review order LTB-T-023679-26 issued on May 14, 2026 is denied. The order is confirmed and remains unchanged.

June 23, 2026
Date Issued

Amanda Kovats
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.