



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

Citation: Micu v Gilmour, 2026 ONLTB 49878

Date: 2026-06-25

File Number: LTB-L-007968-26-RV

In the matter of: 65 MEADOWRIDGE ST
KITCHENER ON N2P0E2

Between: Mihaela Micu Landlords
Florin Micu

And

Cameron Gilmour Tenants
Lisa Brunelle
Avery Gilmour

Review Order

Mihaela Micu and Florin Micu (the 'Landlords') applied for an order to terminate the tenancy and evict Cameron Gilmour, Lisa Brunelle and Avery Gilmour (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-007968-26 issued on April 9, 2026.

On April 20, 2026, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On April 21, 2026, interim order LTB-L-007968-26-RV-IN was issued, staying the order issued on April 9, 2026.

This review request was heard by videoconference on June 22, 2026.

The Landlords and the Tenant, L. Brunelle, attended the hearing. The Tenant spoke to Tenant Duty Counsel prior to the hearing.

Determinations:

1. After the merits hearing held on April 1, 2026, a standard termination order was issued. None of the Tenants attended the hearing on that day.
2. The Tenants filed their request for a review alleging that they had no knowledge of the hearing date.

3. The Tenant, L. Brunelle (LB), said that she lives in the rental unit with her husband and her 28 year old daughter, the other two Tenants. She said that they receive mail in a community mailbox. However, she said that she only checks the mailbox once every week, sometimes once every two weeks. LB said that neither her husband nor her daughter check the mailbox.
4. LB said that the Landlords had another application heard at around the same time, and she received a number of things from the Board, and she may have only opened some of the mail received from the Board.
5. The Landlord, M. Micu (MM) said that she sent an email to the Tenants at least seven days before the hearing, on March 23, 2026, attaching the evidence, and also mentioning the date of the upcoming hearing. She said that the email did not bounce back, and she did not receive a response from the Tenants. However, she said that the parties have communicated by email many times without incident.
6. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings, or that the Tenants were not reasonably able to participate in the proceeding for the following reasons.
7. I find that the Tenants had a reasonable opportunity to participate, but, on their own evidence, they did not exercise due diligence in checking their mail, or they chose not to attend the hearing (*Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 CanLII (Div. Ct.)). LB said that the other two Tenants never check the mail, and she only checks it occasionally. Not checking the mail is not equivalent to an inability to participate, it is a lack of due diligence. Under the *Residential Tenancies Act, 2006* (the 'Act') a mailed document is deemed to be received 5 days later. The Board mailed three packages with a Notice of Hearing to each individual Tenant, on February 27, 2026. The packages were not returned to the Board. The Tenants owed a substantial amount of rent at the time of the hearing, they were already aware that the Landlord had obtained another order to pay the rent on time a couple of weeks earlier, and they had an incentive to ignore the proceedings in the hope that the eviction would be delayed. Another indication of a desire to delay eviction is the fact that the Tenants filed a request for a review for each of the two different orders, for different reasons, on the exact same day.

It is ordered that:

1. The request to review order LTB-L-007968-26 issued on April 9, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order LTB-L-007968-26-RV-IN issued on April 21, 2026, is cancelled. The stay of order LTB-L-007968-26 is lifted immediately.

June 25, 2026
Date Issued

Nancy Morris
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.