



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

File Number: LTB-L-059739-25-RV

In the matter of: Main Floor, 865 Modlin Rd
Pickering ON L1W1V6

Between: Nadia Chimienti Landlord

And

Jacinth Tracey Tenant
Joe Kovacs

Review Order

Nadia Chimienti (the 'Landlord') applied for an order to terminate the tenancy and evict Jacinth Tracey and Joe Kovacs (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-059739-25 issued on October 10, 2025.

On February 18, 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 February 26, 2026, interim order LTB-L-059739-25-RV-IN was issued, staying the order issued on October 10, 2025.

The review request was heard by videoconference on April 28, 2026. The Landlord, the Landlord's Legal Representative Janet van Oordt, the Tenant, and the Tenant's Legal Representative Kevin Mitaniadis attended the hearing.

Determinations:

1. Application LTB-L-059739-25 was heard by videoconference on October 2, 2025. The Tenant did not attend. Based on the uncontested evidence of the Landlord, the Board terminated the tenancy and ordered the Tenant to pay rent arrears.
2. The Tenant, Jacinth Tracey, testified that she made a mistake when recording the date of the hearing, believing it to be scheduled for October 3, 2025, not October 2, 2025. As a result, the Tenant did not attend the hearing. The Tenant also cares for her elderly father who was experiencing a health crisis around that time.
3. In *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708 (ONSC Div. Ct.) though the tenant received proper notice of a hearing, the tenant made a mistake about when the

hearing was to be held. A new hearing was ordered. At para. 3, the court said “[b]eing reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less.”

4. Accordingly, I find, on a balance of probabilities, that the Tenant was not reasonably able to participate in the hearing held on October 2, 2025. The Tenant’s request to review the order is granted.
5. Ordinarily, an application would be directed to a re-hearing after a review request is granted. However, I am not satisfied that a re-hearing is necessary in this case. The Tenant did not want to return to the rental unit and did not dispute the amount of arrears as determined in order LTB-L-059739-25 issued on October 10, 2025. The Tenant submitted that she made payments after the order was issued and that the interest owing on the last month’s rent deposit should have been applied. However, this does not affect the determinations made in the order. The parties may calculate the final amount owing in accordance with Table B in Schedule 1 of the order, which takes into account the interest owing by the Landlord.
6. The Tenant’s Representative submitted that the Landlord abused the Board’s process by evicting the Tenant even after she voided the order. Even if I determined that the eviction was an abuse of process, which I do not, there is no remedy available for this issue on review as the Tenant does not wish to return to the rental unit.
7. The Tenant’s Representative submitted that it was a serious error for the Board to allow Giuseppe Chimienti (‘GC’) to speak on behalf of the Landlord at the initial hearing. I disagree. The Landlord testified that her elderly parents are the owners of the property, and she handles all tenancy issues due to their age. Tiziana Chimienti is a landlord by virtue of being the owner of the rental unit. Nadia Chimienti is a landlord by being the person who permits occupancy of the rental unit. GC is the Landlord’s brother, whom the Landlord authorized to attend the hearing since she was unavailable. Parties may have family members or friends speak on their behalf at LTB hearings. This was not an error.

It is ordered that:

1. The request to review order LTB-L-059739-25 issued on October 10, 2025, is granted. However, the order is confirmed and remains unchanged.
2. The interim order issued on February 26, 2026, is cancelled. The stay of order LTB-L-059739-25 is lifted immediately. The Landlord may re-rent the unit at any time.

June 26, 2026
Date Issued

Kate Sinipostolova
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.