



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

Citation: SHELTER CANADIAN PROPERTIES LIMITED v SIEGEL, 2026 ONLTB 50265

Date: 2026-06-30

File Number: LTB-L-017344-26-RV

In the matter of: 905, 55 FALBY CRT
AJAX ON L1S3W4

Between: SHELTER CANADIAN PROPERTIES LIMITED Landlord

And

REGINA SIEGEL Tenant

Review Order

SHELTER CANADIAN PROPERTIES LIMITED (the 'Landlord') applied for an order to terminate the tenancy and evict REGINA SIEGEL (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-017344-26 issued on May 26, 2026. The hearing was held on May 20, 2026. As of 9:31 a.m., the Tenant was not present nor represented at the hearing.

On June 1, 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 June 2, 2026, interim order LTB-L-017344-26-RV-IN was issued, staying the order issued on May 26, 2026.

The request to review was heard by videoconference on June 23, 2026. The Landlord's Representative, Carrie Aylwin, and the Tenant attended the hearing.

Determinations:

1. The Tenant requests a review of LTB-L-017344-26 issued on May 26, 2026, because the Tenant says she was not reasonably able to participate at the hearing of May 20, 2026. For the reasons below, I do not find that the Tenant was not reasonably able to participate at the hearing.
2. By way of background, the Landlord applied for an order terminating the tenancy and an order terminating the tenancy and for the arrears of rent due and owing to the date of the hearing. A voidable order was issued instructing the Tenant to either pay the arrears or, if she failed to do so, the tenancy would be terminated.

3. The Tenant says she had been ready to participate at the hearing that day. However, she says she “missed the call.” At about 10:30 a.m., she went to the office and heard that had missed the hearing. She states she immediately went to her mailbox and discovered the Board’s package of materials containing the Notice of Hearing which explained how she was supposed to participate.
4. In cross-examination, the Tenant says she was aware of the hearing, but because she had “been through things like this before” she believe she would be called. She thinks maybe the superintendent or property manager told her about the date of the hearing but does not recall getting any information about how to participate in the hearing.
5. The Board’s records indicate the notice of hearing was mailed to the Tenant on April 15, 2026. There is no record of any mail being returned to the Board as undeliverable. According to the Board’s Rules of Service, mailed documents are deemed served 5 days after the date it is mailed. Therefore, the materials ought to have reached the Tenant’s mailbox on April 21, 2026.
6. Based on the Tenant’s submissions, I am not satisfied that the Tenant acted with due diligence to participate in the May 20, 2026, hearing. The Tenant’s evidence was contradictory. Initially, she stated that she was aware of the date of the hearing, but that she believed someone would call her, and that she found the Board’s package in her mailbox the same day of the hearing. However, she also stated during cross-examination, that she checks her mail every other day. It does not accord that the Tenant would have found the envelope with instructions on May 20, 2026, if she checks her mail regularly. Later in the hearing, the Tenant then admitted she might have received the notice of hearing but misplaced it.
7. The Board’s records also indicate that the Landlord mailed a copy of the Notice of Video Hearing to the Tenant on or about May 5, 2026.
8. In *Q Res IV Operating GP Inc v. Berezovs’ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII), the Divisional Court affirmed a party to a Board application is required to exercise reasonable diligence to be aware of and to attend the scheduled Board hearing.
9. The Tenant was mailed two separate copies of the Board’s notice of video hearing. The notice states, on the first page the date, time, and ways to participate. In my view, the Tenant failed to act with reasonable due diligence to ensure that she was able to participate in the hearing. She admits she was aware of the date. However, I am not persuaded that she took any additional steps to ensure participation by, for example, reading and noting important information or seeking help if she did not understand the contents of the notice.
10. In keeping with the Divisional Court’s guidance in *Q Res* above, I am not persuaded that the Tenant exercised reasonable due diligence to attend the hearing on May 20, 2026. Therefore, the Tenant’s request to review order LTB-L-017344-26 issued on May 26, 2026, is denied.
11. The only remaining issue before me is to determine when to lift the stay. The Landlord indicates that Board orders are taking between 8 to 12 weeks to enforce in that area.

13. The Tenant explained she cannot pay the rent. However, I do not find this relevant to my determinations given that the review is denied. The Tenant has already had the benefit of four additional weeks since the date the original order was issued. Given the significant amount of time it is taking to enforce Board orders in the community where the rental unit is located, and the prejudice to the Landlord in the circumstances, I am not of the view an extension to lift the stay is warranted.

It is ordered that:

1. The request to review order LTB-L-017344-26 issued on May 26, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on June 2, 2026, is cancelled. The stay of order LTB-L-017344-26 is lifted immediately.

June 30, 2026
Date Issued

Jane Dean
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.