



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

**Citation:** Liang v Shaw, 2023 ONLTB 15117

**Date:** 2023-01-17

**File Number:** LTB-L-019193-22-RV

**In the matter of:** 12, 42 STONEHILL CRT  
SCARBOROUGH ON M1W2V3

**Between:** Yong Gang Liang Landlord

**And**

Natalie Shaw Tenant

### Review Order

Yong gang Liang (the 'Landlord') applied for an order to terminate the tenancy and evict Natalie Shaw (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-019193-22 issued on November 29, 2022.

On November 28, 2022, the Landlord requested a review of the order.

On December 12, 2022 interim order LTB-L-019193-22-RV-IN was issued.

This application was heard in by videoconference on January 9, 2023.

The Landlord, the Landlord's Agent (son) Jyn Hao Liang and the Landlord's Legal Representative Yun Tao Li attended the hearing.

### Determinations:

1. The Landlord's request for a review is based on the ground of being not reasonably able to participate in the hearing that was conducted on October 24, 2022. The Landlord did not attend.
2. The Landlord's son assisted the Landlord with interpreting Cantonese to English.
3. At the review hearing, the Landlord testified that he did not know about the hearing on October 24, 2022. He testified that he checked his emails in November at which time he learned he had missed the hearing. The Landlord submits that he received no notification from the application he uses and that it should have alerted him that there was an email received.
4. It was undisputed that the Board had emailed the Landlord at [yonggang1971@icloud.com](mailto:yonggang1971@icloud.com) on September 27, 2022 and that this email communication contained the notice of hearing.



The Landlord stated that while this is his email address, he did not check his emails until November 1, 2022 as he did not use that email address very often.

5. The Landlord testified that while the L1 application filed with the Board is in his name, has his email address and contact information, it was actually prepared by his real estate agent. The Landlord stated that he signed the application and the real estate agent filed the application with the Board on the Landlord's behalf.
6. The Landlord stated that he did not follow up with the real estate agent at any time after the L1 application was filed in April, 2022 to ascertain the status of the matter.

*Analysis:*

7. The notice of hearing was sent by email to the Landlord almost four weeks before the hearing. The L1 application filed with the Board indicated the Landlord's email address to which the Board provided the notice of hearing to the Landlord. In my view, a person cannot render themselves immune to Board proceedings by not checking their email, especially when that person has indicated his email address on documentation filed with the Board, knew of the existence of the filing of the application and did not follow up on the status of the application at any point after filing the application with the Board.
8. A review of the Board's records do not show that the email was returned or undelivered. At the hearing, the Landlord did not provide any disability-related reason or that he experienced technical difficulties to explain why he did not check his email.
9. Based on the above, I find the Landlord was reasonably able to participate in the proceedings. He would have known about the hearing if he had checked his email even as infrequently as once every two or three weeks.
10. The request for review is therefore denied.

**It is ordered that:**

1. The request to review order LTB-L-019193-22 issued on November 29, 2022 is denied. The order is confirmed and remains unchanged.

**January 17, 2023**  
**Date Issued**

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Heather Chapple  
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.