



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

**Citation:** Jakubsky v. Raymo, 2023 ONLTB 41813

**Date:** 2023-05-29 **File Number:**  
LTB-L-000098-23-RV

**In the matter of:** Unit # 2 / Second Floor, 327 CATHCART  
ST SAULT STE. MARIE ON P6A1E8

**Between:** Wladislav Jakubsky Landlord

**And**

Robert Raymo Tenant

### **Review Order**

Wladislav Jakubsky (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Raymo (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by video conference on May 9, 2023. The parties did not attend the Board hearing. The Board resolved the Landlord's application by order LTB-L-000098-23, issued on May 25, 2023.

On May 26, 2023, the Landlord requested a review of the order.

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

### **Determinations:**

1. On the basis of the submissions made in the request, I am not satisfied that the Landlord was not reasonably able to participate in the proceeding.
2. On March 20, 2023, the Board gave the Landlord the notice of hearing via email. The Landlord writes in the review request that they did not notice the email message. The Landlord explains he was confused because the email message with the notice of hearing was from the Board's Northern Regional office. The Landlord writes that he "was expecting an email from a government address like @ontario.ca".



3. I find the Landlord's explanation for failing read the Board's March 20, 2023 email message is not reasonable. The email message indicates that it is from "LTB Northern", and end with "@ontario.ca".
4. A party to a Board application is required to exercise reasonable diligence to be aware of and attend a Board hearing: *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541.

5. In this present case, the Board's March 20, 2023 email message identified that it was from the Landlord and Tenant Board and involved a northern Ontario rental property (Sault Ste. Marie). The email address also included the domain the Landlord expected to observe: @ontario.ca.
6. In the circumstances, I find the Landlord's explanation for failing to observe and act on the Board's March 20, 2023 email message with the notice of hearing is not reasonable. The Landlord therefore did not show that they were not reasonably able to participate in the May 9, 2023 hearing. The request to review the May 25, 2023 Board order will accordingly be denied.

**It is ordered that:**

1. The request to review order LTB-L-000098-23, issued on May 25, 2023, is denied. The order is confirmed and remains unchanged.

**May 29, 2023**

**Date Issued**

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**Harry Cho**

Vice Chair, 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.



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