



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

Citation: EDGECOMBE v BALACHANDRAN, 2026 ONLTB 14414

Date: 2026-02-13

File Number: LTB-T-058690-22-RV2

In the matter of: 216, 2 ADAM SELLERS STREET
MARKHAM ON L6B1P2

Between: ERICA EDGECOMBE Tenants
JOEL SIMONS

And

NALINI BALACHANDRAN Landlords
Chandra Kumar Sinhathura

Review Order

ERICA EDGECOMBE and JOEL SIMONS (the 'Tenants') applied for an order determining that NALINI BALACHANDRAN and Chandra Kumar Sinhathura (the 'Landlords') gave a notice of termination in bad faith.

This application was resolved by order LTB-T-058690-22 issued on March 1, 2024.

On July 15, 2025, N. Balachandran requested a review, and that the order be stayed until the request to review the order is resolved.

On July 16, 2025, interim order LTB-T-058690-22-RV-IN was issued, staying the order issued on March 1, 2024.

After a review hearing, the review was granted in LTB-T-058690-22-RV-IN2, issued on September 5, 2025.

After a hearing, interim order LTB-T-058690-22-IN was issued on October 3, 2025, determining that both N. Balachandran and C. Sinhathura are both properly named Landlords.

After a *de novo* hearing on January 5, 2026, which the Tenant failed to attend, the application was dismissed in LTB-T-058690-22-RV, issued on January 9, 2026.

On January 14, 2026, the Tenant, E. Edgecombe, requested a review of the order issued on January 9, 2026, alleging that she was not reasonably able to attend the hearing held on January 5, 2026.

On January 16, 2026, interim order LTB-T-058690-22-RV2-IN was issued.

This request was heard by videoconference on February 9, 2026.

The Landlord, C.K. Sinhathura, the Landlord's agent, B. Nagarajan, and the Tenant, E. Edgecombe, attended the hearing.

Determinations:

1. Neither Tenant attended the *de novo* hearing of their application held on January 5, 2026, and the application was dismissed.
2. The Tenant, E. Edgecome (EE) filed her request for a review alleging that she was not reasonably able to participate in the hearing held on January 5, 2026.
3. EE said that she received the notice of hearing sent by the Board to her by email at the correct address on October 6, 2025. However, the email had, as its subject line, that it was a notice of video adjourned hearing "January 5th 2025". EE said that as a result "of this clerical error, I was unable to attend the scheduled hearing on January 5th, 2026."
4. At the hearing, EE said that she did not look at the attachments that accompanied the email, one of which was the actual Notice of Hearing that had the correct date of January 5, 2026. She also said that she knew the hearing was in January, but she did not know what date. She was unable to explain why she would be confused by a subject line for a hearing in January 2025, which was obviously 10 months prior to the date she received the email, and therefore clearly a clerical error. She was unable to explain why she did not call the Board or take any further steps to determine whether the subject line was a clerical error, including the step of actually opening the attachment that accompanied the email in the three months between receiving it and the hearing date.
5. It is undisputed that both the Landlords received the exact same email with their Notice of Hearing, and they both attended the hearing on the date of January 5, 2026.
6. I find that the Tenants have failed to prove, on a balance of probabilities, that they were not reasonably able to participate in the hearing held on January 5, 2026 for the following reasons. The standard of being not reasonably able to participate is something that prevents a person from participating due to circumstances beyond their control. A patently obvious clerical error in a subject line of an email that contains the actual notice of hearing with the correct date, sent three months before a hearing that provides a party with ample time to investigate to find the correct date, does not rise to the standard of not reasonably able to participate. Any one reasonable would have been able to discover the correct date of the hearing, and they would have had sufficient time to do so. The Tenant's evidence was not consistent either. She said that she knew the hearing was in January, but she did not know what date it was being held. If she was truly flummoxed by the clerical error of 2025, then she would have no idea when the hearing was being held, and there would be no reason for her to "know" the hearing is in January 2026, but not know which day in January. In other words, the actual date was correct. It was only the year that was incorrect.
7. There is also evidence on the Board's files that the notice of hearing was mailed by post to the other Tenant, J. Simons, and that package would have contained the correct date for the hearing, and it would not have included the subject line with the clerical error that

caused any confusion. However, EE provided no explanation whatsoever for why Joel Simons did not attend the hearing held on January 5, 2026.

8. Consequently, I find that the Tenants were reasonably able to participate in the hearing on January 5, 2026, but they failed to exercise the proper diligence to ensure that they attended the hearing on the correct date.
9. 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.

It is ordered that:

1. The request to review order LTB-T-058690-22-RV issued on January 9, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order LTB-T-058690-22-RV2-IN issued on January 16, 2026, is cancelled.

February 13, 2026
Date Issued

Nancy Morris
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.