



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

**File Number:** LTB-L-085238-25-RV

**In the matter of:** Unit 2, 32 COMMONWEALTH AVE  
SCARBOROUGH ON M1K4K2

**Between:** Sivananthan Anpalagan Landlord

**And**

Brianne Toni Elyssa Thomas Tenant  
Chidinma Luzette Njoku

### **Review Order**

Sivananthan Anpalagan (the 'Landlord') applied for an order to terminate the tenancy and evict Brianne Toni Elyssa Thomas and Chidinma Luzette Njoku (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-085238-25 issued on January 15, 2026.

On January 23, 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 January 26, 2026, interim order LTB-L-085238-25-RV-IN was issued, staying the order issued on January 15, 2026

This application was heard by videoconference on February 19, 2026.

The Landlord's Legal Representative Bavithra Vigneswararajah, and the Tenants attended the hearing.

### **Determinations:**

#### **Review Request:**

1. In the review request, the Tenant stated that they were not reasonably able to participate in the hearing on January 5, 2026, because they were not aware of the hearing until January 16, 2026.
2. On the basis of the submissions made in the request, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding on January 5, 2026.
3. The Tenants, Brianne Toni Elyssa Thomas and Chidinma Luzette Njoku, testified that they did not attend the hearing because they were out of town and did not become aware of the

Notice of Hearing until mid January 2026. Ms. Thomas testified that she received the Notice of Hearing by mail but did not open the package because she was not at home. She testified that she had been away beginning in early November 2025 due to a family death and did not return to the rental unit until January 16, 2026. Ms. Thomas testified that she first reviewed the materials and learned the hearing had been missed on or about January 16, 2026.

4. Ms. Njoku testified that she works in the Kitchener area and returned to the rental unit about twice a week. She testified that due to her absences she did not receive the Notice of Hearing until on or about January 16, 2026.
5. In cross examination, both Tenants confirmed that between November 2025 and January 2026 they returned to the rental unit a few times and did not check the mail during that period.
6. The Landlord's Legal Representative opposed the review request and submitted that the Tenants did not have a valid explanation for failing to check their mail.
7. The Board's records confirm that the Notice of Hearing package was mailed to the rental unit by November 21, 2025, and there is no record that it was returned to the sender.
8. the Divisional Court in *Q Res IV Operating Gp Inc. v. Berezovs'ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII), "[I]f parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely cost-effective and final orders".
9. In this case, on the Tenants' own evidence, the Notice of Hearing was received by mail. Ms. Thomas's explanation for not attending is that the Tenants were away and did not open the mail until mid January 2026. I do not accept that this establishes that the Tenants were not reasonably able to participate. Rather, it reflects a failure to exercise due diligence in monitoring their mail and managing an ongoing legal proceeding. Ms. Njoku also testified that she returned to the rental unit a few times between November 2025 and January 2026 but did not check the mail. Even if one Tenant failed to collect or open the mail in a timely way, the other joint Tenant also failed to do so. I do not find this to be a reasonable explanation for missing an important legal proceeding. In these circumstances, and applying *Berezovs'ka*, I find that the Tenants had a reasonable opportunity to participate and did not exercise due diligence to do so. The request for review is denied.

Lifting the stay:

10. With respect to the lifting of the stay, Given the length of the tenancy and the Tenants' personal circumstances, I find it appropriate to allow a short delay. The stay is therefore lifted effective March 11, 2026.
11. This order contains all of the reasons for my decision within it. No further reasons shall be issued.

**It is ordered that:**

1. The request to review order LTB-L-085238-25 issued on January 15, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on January 26, 2026, is cancelled. The stay of order LTB-L-085238-25 is lifted on March 11, 2026.

**February 26, 2026**  
**Date Issued**

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Joy Xiao  
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.