



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

File Number: LTB-L-030690-25-RV

In the matter of: 391 THE WESTWAY
ETOBICOKE ON M9R0B4

Between: JAGWANT SINGH Landlords
AMANJOT KAHLON

And

CHANTALE TREMBLAY Tenant

Review Order

JAGWANT SINGH and AMANJOT KAHLON (the 'Landlords') applied for an order to terminate the tenancy and evict CHANTALE TREMBLAY (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-030690-25 issued on October 23, 2025. The Tenant alleges they could not reasonably attend the September 11, 2025, hearing.

On November 2, 2025, the Tenant requested a review of the order, and that the order be stayed until the request to review the order is resolved.

On November 17, 2025 interim order LTB-L-030690-25-RV-IN was issued, staying the order issued on October 23, 2025.

This request for a review was heard by videoconference on February 27, 2026.

The Landlord's Legal Representative Jasmin Van Maurik, the Landlord Jagwant Singh and the Tenant attended the hearing.

Determinations:

1. At the outset of the hearing, the parties consented to remove Anne Tardiff from the application. The Board consented, and the style of cause has been amended to reflect this.
2. The Tenant alleges that they were not reasonably able to participate in the September 11, 2025, hearing.
3. The Tenant stated that they were responsible for the care of their elderly (81- and 82-year-old) parents. On July 9, 2025 their father had finally been placed in a retirement home.

They had to travel between their home, their father's retirement home and their mothers home providing care for them.

4. They testified that they were also working full-time and as a result they were very tired. They stated that during this period there was a lot of confusion and may not have seen the notice of hearing. During that time they were under the impression that they were working with the Landlord on a mediated settlement.
5. They stated that they always had a genuine intent to participate in the hearing.
6. The Landlord did not cross-examine the Tenant. They submitted that the Tenant simply forgot and that is the only reason they did not attend the hearing.
7. After considering the testimony and submissions the Board granted the request for a review.
8. The Board's power to review a decision may be exercised if a party to a proceeding was not reasonably able to participate in the proceeding. The case law from Divisional Court generally instructs the Board that the meaning of the phrase "not reasonably able to participate" should be interpreted broadly, to ensure natural justice, and where a party shows a genuine intent to participate in a hearing but was prevented from doing so, they should be entitled to a hearing through the review process. A party's genuine intent to participate must be borne out by the evidence which clearly demonstrates the party's intent to participate in the hearing. See *Kewallal v. Jackson*, 2011 ONSC 1557; *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708, TSL-21992-11-RV (Re), 2012 CanLII 27914 (ON LTB); TEL-09087-10-RV (Re), 2011 CanLII 26960 (ON LTB); SWT-07158-10 (Re), 2010 CanLII 67967 (ON LTB).
9. In *King-Winton v. Doverhold Investments* 2008 CANLII 60708 (ON SCDC), the Divisional Court stated: "Being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less".
10. I was satisfied based on the uncontested evidence of the Tenant that their explanation for why they were not reasonably able to participate in the hearing was reasonable in all the circumstances, and that they had a genuine intent to participate.
11. The re-hearing was immediately conducted.
12. The Tenant agreed that the arrears of rent owing was \$10,451.78 as set out in the October 3, 2025 order.
13. The Board reviewed the rent ledger and the payment history. I was satisfied that all payments made to the Landlord had been accounted for.

It is ordered that:

1. The former Tenant Anne Tardiff is removed from the application.
2. The request to review order LTB-L-030690-25 issued on October 23, 2025, is granted.
3. The order is amended to remove Anne Tardiff. The remainder of the order is confirmed and remains unchanged.

March 13, 2026
Date Issued

Robert Patchett
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.