



Order under Section 87 Residential Tenancies Act, 2006

File Number: LTB-L-071160-24

In the matter of: 107, 263 Butler
Lucan ON N0M2J0

Between: Miami Developments Landlord

And

Jesse McLean Former Tenant

Miami Developments (the 'Landlord') applied for an order requiring Jesse McLean (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on December 18, 2025, at 09:00 am.

Only the Landlord Agent Ildi Damjanschitz attended the hearing.

As of 09:30 am, the Former Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Landlord. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence

Determinations:

1. As explained below, the Landlord did prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. I am not satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing (NOH) at least 30 days before the hearing in accordance with Rule 3.3 of the LTB's Rules of Procedure.
3. Specifically, at the time of the hearing the Landlord Agent submitted that the application and NOH were served on the former Tenant by email, on December 12, 2025, as denoted by a Certificate of Service (COS) entered in evidence. Given the date of service is less than 30 days I must dismiss the Landlord's application pursuant to rule 3.3 of the LTB's Rules of Procedure
4. I am also not satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing using a method permitted in subsection 191(1.0.1) of the *Residential Tenancies Act, 2006* (the 'Act') and Rule 3.3 of the LTB's Rules of Procedure.

5. Specifically, the COS does not provide the email address, merely that two email addresses were used. A review of the lease agreement, also entered in evidence, does not provide an email address for the Former Tenant, or that the Former Tenant consented to service of documentation by email during the course of the tenancy, only that the Landlord did. Accordingly, for this reason I must also dismiss the Landlord's application pursuant to rule 3.3, having not been satisfied the Landlord used a method permitted in subsection 191 (1.0.1) of the Act.

It is ordered that:

1. The Landlord's application is dismissed.

January 9, 2026
Date Issued

Kelly Delaney
Member, 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.