



Order under Section 87 Residential Tenancies Act, 2006

Citation: Kanda v Doucette, 2026 ONLTB 2294

Date: 2026-01-07

File Number: LTB-L-018756-24

In the matter of: 1612 DUNKIRK AVE
Woodstock ON N4T0L7

Between: Abhishek Kanda Landlord

And

Jonathan Doucette Former Tenants
Alyssa Madruga

Abhishek Kanda (the 'Landlord') applied for an order requiring Jonathan Doucette and Alyssa Madruga (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe.

This application was heard by videoconference on December 16, 2025.

Only the Landlord's Representative Janice Sukhiani attended the hearing.

As of 9:55 am, the Former Tenants were not present or represented at the hearing. 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. This application was heard by videoconference on February 5, 2025, and again on July 29, 2025, and both were adjourned for the reasons provided in the adjournment sheets, because the Landlord did not provide proof of service of the L10 application and the Notice of Hearing on the Former Tenants. The hearing on today's date was noted as peremptory on the Landlord.
2. Section 189.0.1 of the *Residential Tenancies Act*, 2006 (the 'Act') , and Rule 5.8 of the LTB's Rules of Procedure require a landlord to serve a former tenant with the L10 Application and the Notice of Hearing 30 days in advance of a hearing. Section 191(1.0.1)

of the Act and Rule 3.3 provide the accepted ways a landlord may serve a former tenant with these materials.

3. The Landlord's Representative testified that the Former Tenants were served by email on October 24, 2025, which was more than 30 days in advance of the hearing and email was an agreed form of communication during the tenancy.
4. The Landlord's Representative was also adamant that even though the Landlord could not prove the Former Tenants received the documents, I should accept that there was service because it was an approved form of communication and the email had not "bounced back", so, the email addresses of the Former Tenants should be considered active and service valid.
5. Rule 3.3 provides that for email service of an L10 and Notice of Hearing on a former tenant to be effective there must have been written consent to email service during the tenancy **and** the landlord must prove the contents came to the actual notice of the former tenant.
6. The Landlord's Representative advised that the Former Tenants did not respond to the email and therefore I find the Landlord is not able to prove actual notice. Therefore, I find the Landlord did not serve the Former Tenants with their application and Notice of Hearing at least 30 days before the hearing and the Landlord's application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 7, 2026

Date Issued

Brenda Mercer

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.