



**Order under Section 79
Residential Tenancies Act, 2006**

File Number: LTB-L-051038-25

In the matter of: 2ND FLOOR BACK, 169 EMERSON AVE
TORONTO ON M6H3T4

Between: QAMAR MIRZA Landlord

And

DINH QUANG NGUYEN Tenant

QAMAR MIRZA (the 'Landlord') applied for an order to terminate the tenancy and evict DINH QUANG NGUYEN (the 'Tenant') because the Landlord believes that the Tenant abandoned the unit.

This application was heard by videoconference on November 24, 2025.

Only the Landlord's agent, Oneal Sookoo ("O.S."), attended the hearing.

As of 10:03 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. 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 has not proven on a balance of probabilities the grounds for termination of the tenancy in the application. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.

Abandoned Unit

3. O.S. testified that the Tenant is in arrears of rent and has not paid since September 2024. O.S. said that the Tenant has not responded to any correspondences by the Landlord and there is mail stacked up outside of the rental unit door. A photograph of the mail outside the rental unit door was submitted into evidence and it supports the Landlord's claim regarding the mail pile.
4. O.S. further testified that the Landlord attended the rental unit on April 29, 2025 and noted that the rental unit appeared to be abandoned as it was dirty and missing furniture. However, O.S. did not personally attend the rental unit to confirm this and his testimony

constitutes hearsay evidence. Although hearsay evidence is admissible at the Board, I put little weight on this evidence. I would have reasonably expected the Landlord to attend the hearing to testify to what it is that was observed during the inspection of the rental unit.

5. Although the Landlord adduced evidence to support that mail was piled up outside the rental unit door, I am not satisfied on a balance of probabilities that the Tenant has abandoned the rental unit. I make this finding because other than this photograph of the mail, not other documentary evidence was provided to support the Landlord's application. I would have reasonable expected to see photographs of the rental unit, or email correspondences the Landlord sent the Tenant, or a testimony from the person who inspected the rental unit to support the Landlord's claim that the rental unit is abandoned.
6. The Landlord's application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 8, 2026
Date Issued

Vishal Nanda
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.