



Order under Section 88.2 Residential Tenancies Act, 2006

Citation: KOKATANUR v GARCIA, 2026 ONLTB 2783

Date: 2026-01-12

File Number: LTB-L-032702-25

In the matter of: 902, 335 WHEAT BOOM DR
OAKVILLE ON L6H7Y1

Between: SANTOSH KOKATANUR Landlord

And

SHERRYL LYNNE GARCIA Former Tenant

SANTOSH KOKATANUR (the 'Landlord') applied for an order requiring SHERRYL LYNNE GARCIA (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was heard by videoconference on December 4, 2025.

Only the Landlord attended the hearing.

As of 10:40 a.m., the Former Tenant was not present or represented at the hearing.

Determinations:

1. As explained below, the Landlord's application is dismissed.
2. I am not satisfied that the Landlord served the Former Tenant with a copy of the Notice of Hearing and the Application 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.
3. On October 28, 2025, the Landlord served the Notice of hearing and the Application to the Former Tenant's email.
4. The Former Tenant vacated the rental unit on April 17, 2025.
5. Service of documents by email to the Former Tenant is permitted under Rule 3.3(c) of the LTB's Rules of Procedure. This rule establishes a two part test, and it states that a document may be served on a former tenant no longer in possession of a rental unit by email if: (1) *during the tenancy the tenant or former tenant had consented in writing to*

service by email; and (2) if it can be proven that the contents actually came to the attention of the tenant or former tenant.

6. The Landlord provided a copy of the lease agreement which confirmed that during the tenancy the Former Tenant consented in writing to service by email. However, the Landlord did not provide sufficient evidence to establish that the notice of hearing and the application came to the attention of the Former Tenant. The Landlord confirmed that he did not have either a read receipt or an email reply from the Former Tenant confirming that the documents had come to the Former Tenant's attention. This is evidence I would have reasonably expected the Landlord to adduce to substantiate compliance with Rule 3.3(c) of the LTB's Rules of Procedure. Accordingly, I am not satisfied the Landlord has complied with this rule.
7. The Landlord does not know where the Former Tenant resides, and did not provide sufficient evidence as to the efforts he had taken, or will take, to locating the Former Tenant to effect service. He also does not know their current phone number or their current employment. The last time he sent an email to the Former Tenant was approximately six months' ago and did not receive a response. Accordingly, I was not satisfied that the Landlord would be able to perfect service on to the Former Tenant in accordance with the Board's Rules of Procedure or the Act if an adjournment was granted for this purpose.
8. For the above noted reasons, the Landlord's application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 12, 2026

Date Issued

Inderdeep Padda

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.