



**Order under Section 87
Residential Tenancies Act, 2006**

File Number: LTB-L-034464-25

In the matter of: 1002, 4 Park Vista
East York Ontario M4B3M8

Between: Samhar Salama Landlord

And

Rajiv Kulkarni Former Tenant

Samhar Salama (the 'Landlord') applied for an order requiring Rajiv Kulkarni (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on December 8, 2025.

The Landlord's agent, and wife, Hanadi Amouri, attended the hearing. A witness for the Landlord Romi Brooks attended the hearing.

As of 10:50 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's application is dismissed.
2. I am not satisfied that the Landlord served the Former Tenant with a copy of the Notice of Hearing at least 30 days before the hearing in accordance with Rule 3.3 of the LTB's Rules of Procedure.
3. The Landlord agent stated she did not serve a copy of the notice of hearing to the Former Tenant.
4. At the hearing I made note that the Former Tenant had accessed the TOP portal on November 17, 2025 and submitted evidence to the Board in an email on November 28, 2025.
5. The email in part reads as follows:

LTB Notice: L-034464-25 Date of Hearing: 08Dec 2025.

Following is filed as challenge towards the petition by landlord Samhar Salama claim.

*I haven't got any information directly from LTB. **The previous landlord has sent only a letter containing the LTB hearing date.***

I am out of the country and will be back at the end of March 2026 and I may not be able to attend hearing over the phone. Please postpone the hearing till April 2026.

However I am submitting all required documents through this email.

[Emphasis added.]

6. Section 17(1) of the SPPA that states:

Decision; interest

Decision

17 (1) A tribunal shall give its **final decision and order, if any, in any proceeding in writing** and shall give reasons in writing therefor if requested by a party.

[Emphasis added.]

6. Section 5.17 of the Board's Rules of Procedure state:

Failure to Serve

5.17 Where a party fails to serve as ordered the LTB may:

- a. proceed with the hearing if satisfied there will be no prejudice to any party;
- b. adjourn the hearing; or,
- c. dismiss the application, motion or request.**

[Emphasis added.]

7. Although at the hearing I indicated that I would proceed with the Landlord's application, after further reflection and consideration of the Landlord's uncontested submissions at the hearing and review of the email submitted by the Former Tenant, I find the Landlord has not met the requirement to serve a copy of the notice of hearing more than 30 days prior to the hearing.

8. The Landlord stated she did not serve the Former Tenant with a copy of the notice of hearing, however the Former Tenant states in his email the Landlord did provide a copy of the notice of hearing to him.
9. Nonetheless, I am unable to determine if the Former Tenant received the notice of hearing more than 30 days prior to the hearing as the Landlord agent's testimony is contradiction to the Former Tenant's claims.
10. In accordance with section 17(1) of the SPPA no order is final until it is given in writing.
11. Given all the above I find the Landlord has not served the Former Tenant the notice of hearing and the Landlord's application must be dismissed.
12. In making my final decision I considered any potential prejudice to the Landlord given this is an L10 application and the Landlord has within one year of the Former Tenant vacating the rental unit to file the application with the Board.
13. The Landlord indicated the Former Tenant vacated the rental unit on March 9, 2025. As of the day of issuing this order the Landlord is still within the one year eligibility for filing another L10 application and I see little prejudice to the Landlord in dismissing the application.
14. I recognize the Landlord will have to file another L10 application but the Landlord will also have another opportunity to effect proper service on the Former Tenant in order to ensure a procedurally fair hearing.
15. Given all the above the Landlord's application must be dismissed.
16. Although this order does not specifically address each piece of evidence individually or reference all the testimony, I have considered all of the evidence presented at the hearing and all of the oral testimony when making my determinations.
17. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The Landlord's application is dismissed.

January 13, 2026
Date Issued

Greg Brocanier
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.