



Order under Section 87 / 88.2 / 89 Residential Tenancies Act, 2006

Citation: Crowther v Farago, 2026 ONLTB 5271

Date: 2026-01-15

File Number: LTB-L-056027-24

In the matter of: 3765 DISHER ST
Fort Erie ON L0S1N0

Between: Amanda Crowther Landlords
Marc Dupuis

And

Dan Farago Former Tenants
Jean Bancroft

Amanda Crowther and Marc Dupuis (the 'Landlords') applied for an order requiring Dan Farago and Jean Bancroft (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe.

The Landlords also applied for an order that the Former Tenants pay the Landlords' reasonable out-of-pocket costs that are the result of the Former Tenants' failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

The Landlords also applied for an order that the Former Tenants pay the Landlords' reasonable out-of-pocket costs that the Landlord incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenant, another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

This application was heard by videoconference on January 12, 2026. Only the Landlord, Marc Dupuis, attended the hearing.

As of 9:22 a.m., the Former Tenants were not present or represented at the hearing.

When the capitalized word "Landlord" is used in this order, it refers to all persons or companies identified as a Landlord at the top of the order.

When the capitalized words "Former Tenant" is used in this order, it refers to all persons identified as a Former Tenant at the top of the order.

Determinations:

1. As explained below, the Landlord has failed to properly serve the Former Tenants with the application. Therefore, the application is dismissed.
2. I am not satisfied that the Landlord served the Former Tenants 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'). The Landlord acknowledged they had not done so. The Landlord states that he contacted LTB staff and was told that it was not necessary for him to serve the Former Tenants with the new Notice of Hearing.
3. Section 189.0.1(2) of the Act states in relation to applications against former tenants no longer in possession of the rental unit that:

(2) The applicant shall, within the time set out in the Rules, give the tenant or former tenant,

(a) a copy of the application; and

(b) a copy of any notice of hearing issued by the Board in respect of the application.

4. This hearing date was the second scheduled hearing date for this application. The previous hearing date had been adjourned as service had not been completed as required by section 189.0.1(2). The matter was marked peremptory on both parties.
5. The L10 instructions and Certificate of Service are very clear that the Landlord is required to serve the Notice of Hearing to the Former Tenant. In addition, the L10 application refers the Landlord to the specific Certificate of Service and includes a hyperlink directly to that document. It also states that if a Certificate of Service is not uploaded to the Tribunals Ontario Portal ('TOP') , the LTB may cancel the hearing and close the file.
6. No Certificate of Service was included in TOP.
7. Although the Landlord reports being advised by Board staff that it was not necessary to serve the Tenant with the Notice of Hearing, this information is incorrect. Without being able to review this conversation, there is no way to ascertain whether it was made clear that this was an L10 application versus other applications in which the Board effects service.
8. Regardless, the documentation and instructions provided to the Landlord is replete with references to the service requirements. Even if I accept his evidence that he was misinformed, the Landlord was made aware at the adjournment that he had not served the Former Tenant as required by the Act and Rules of Procedure. In my view, this ought to have alerted the Landlord to the fact this was a requirement before any further hearing(s) of the matter could proceed. The matter had been marked peremptory on both parties, and as such, I was not of the view a further adjournment would be appropriate.

It is ordered that:

1. The Landlord's application is dismissed.

January 15, 2026
Date Issued

Jane Dean
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.