



Order under Section 89 Residential Tenancies Act, 2006

File Number: LTB-L-048639-24

In the matter of: 385 ODLUM DR
WOODSTOCK ON N4S3S1

Between: Hand Up Inc. Landlord

And

Marlon Wright Former Tenants
Natasha Cunningham

Hand Up Inc. (the 'Landlord') applied for an order requiring Marlon Wright and Natasha Cunningham (the 'Former Tenants') to pay the Landlord's 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 Tenants, another occupant of the rental unit or someone the Former Tenants permitted in the residential complex.

This application was heard by videoconference on January 20, 2026.

Only the Landlord attended the hearing.

As of 10:06 AM, the Former Tenants were not present or represented at the hearing. I was not satisfied the Former Tenants were properly served with notice of this hearing by the Landlord.

Determinations:

1. The Landlord's application is dismissed for the reasons that follow.
2. Pursuant to section 189.0.1 of the *Residential Tenancies Act* (2006) (the 'Act'), a landlord who applies to the Board for an order requiring a former tenant to pay costs must serve the former tenant with a copy of the application and any notice of hearing issued by the Board. Rule 5.8 of the Board's *Rules of Procedure* ('the Rules') requires that these documents be served no later than 30 days before the scheduled hearing.
3. The first instance hearing for this application was scheduled on May 7, 2025. The Landlord's was granted an adjournment to properly serve the Former Tenants in accordance with the Rules.
4. The Landlord stated that he did not serve the Former Tenants as per Rule 5.8 with respect to the present hearing date because he mis-diarized the hearing date. The Landlord

thought this hearing date was February 20, 2026. The Landlord has other matters before the Board and submitted that he confused this hearing date with another. The Landlord requested a further adjournment to properly serve the Former Tenants.

5. The Landlord's request was denied. The Courts have affirmed that parties to a Board application are required to exercise due diligence to prepare for a Board hearing. Paragraph 8 of *Q Res IV Operating GP Inc. v. Berezovs'ka*, [2017] O.J. No. 4863 (Div. Ct.), states:

If parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders.

6. The Landlord's application was filed June 18, 2024. The Landlord was already provided with an adjournment of proceedings to properly serve the Former Tenants as required by the Rules and still has not done so.
7. Therefore, the application is dismissed pursuant to Rule 5.17 of the Rules.

It is ordered that:

1. The Landlord's application is dismissed.

January 23, 2026
Date Issued

Melissa Anjema
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.