



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

File Number: LTB-L-104894-24

In the matter of: BASEMENT UNIT, 6350 RADISSON WAY
ORLEANS ON K1C3A1

Between: JEAN PIERRE HAMEL Landlord

And

SHAWNA MARIE MELANSON Former Tenant

JEAN PIERRE HAMEL (the 'Landlord') applied for an order requiring SHAWNA MARIE MELANSON (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

The Landlord also applied for an order requiring the Former Tenant 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 Tenant, another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on January 19, 2026.

Only the Landlord attended the hearing.

As of 10:25a.m., the Former Tenant was not present or represented at the hearing.

Determinations:

1. I am not satisfied that the Landlord served the Former Tenant with the notice of hearing in accordance with the *Residential Tenancies Act, 2006* ('the Act') or the LTB's Rules of Procedure ('the Rules'). The application is therefore dismissed.
2. The application was adjourned on October 23, 2025, because the Board was not satisfied that the Landlord served the Former Tenant with the notice of hearing. The notes on the adjournment sheet (DOC-6664697) indicate that the Landlord was told that he must properly serve both the application and notice of hearing to the tenant 30 days prior to the

hearing and must submit a certificate of service indicating that he has done so at least 20 days before the hearing.

3. The Landlord did not file a certificate of service with the Landlord and Tenant Board ('the Board') prior to the January 19, 2026, hearing. Despite this I held the matter down and gave the Landlord an opportunity to file a certificate of service on the day of the hearing. The Landlord filed a number of documents and could not point me to where his certificate of service was located. I gave him an opportunity to provide oral testimony about when he served the notice of hearing. The Landlord testified that he thought the Board would serve it, that I was probably right that he did not serve the notice of hearing, that he gave the Former Tenant a package with 35 pages, but it did not include the notice of hearing. As such I am not satisfied that the Landlord served the notice of hearing for the January 19, 2026 hearing on the Former Tenant.
4. Providing a party with notice that a hearing is taking place is a central component of procedural fairness. It is manifestly unfair to make an order against a party without giving the party an opportunity to participate in the proceeding. Section 7 of the *Statutory Powers Procedure Act* establishes that a condition precedent to the Board's authority to run hearings in the absence of a responding party is that notice of the hearing has been given. While the Landlord's claims are important and substantial, that does not override the Former Tenant's entitlement to procedural fairness.
5. The Landlord's request for an adjournment was denied. The Landlord has had sufficient time to serve the Tenant. The matter has been previously adjourned to give the Landlord an opportunity to serve the Tenant. Adjourning the matter for a second time for the same reason would not be consistent with the Board's obligation to run expeditious proceedings.
6. In accordance with Rule 5.17 the Landlord's application is dismissed because the Former Tenant was not served with the notice of hearing.

It is ordered that:

1. The Landlord's application is dismissed.

January 27, 2026
Date Issued

Amanda Kovats
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.