



Order under Section 88.2 Residential Tenancies Act, 2006

File Number: LTB-L-052951-24

In the matter of: 1840 HAIKU ST
NEPEAN ON K2J6W6

Between: Chun Bong Siu Landlord

And

Obaid-Allah Agial Former Tenants
Rajaa Berrada

Chun Bong Siu (the 'Landlord') applied for an order requiring Obaid-Allah Agial and Rajaa Berrada (the 'Former Tenants') to pay the Landlord's 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.

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

Only the Landlord attended the hearing.

As of 10:48 AM, the Former Tenants were not present or represented at the hearing. I was not satisfied that 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 set out below.
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. Rule 3.3(c) of the Rules allows a landlord to serve a former tenant by email if **both** of the following conditions are present:
 - i. If during the tenancy the tenant or former tenant had consented in writing to service by email; and

- ii. If it can be proven that the contents actually came to the attention of the tenant or former tenant.
4. This information is also expressly set out on the Certificate of Service – Serving a Former Tenant under the email option.
5. The Landlord served the Former Tenants with a copy of the L10 application and Notice of Hearing on October 23, 2025, by email. The Landlord submitted that the Former Tenants provided consent to receive documents by email in the lease agreement; however, upon review of the lease agreement uploaded by the Landlord I found no such consent was provided. The Landlord provided no other written agreement of consent from the Former Tenants to receive documents by email.
6. Additionally, the Landlord could not prove that the email came to the attention of the Former Tenants.
7. The Landlord provided a copy of his WhatsApp communication with the Former Tenants; however, this application is not an approved method of service unless the Board approves it as an alternative service method. There was no response from the Former Tenants over WhatsApp and accordingly I was not satisfied that the Former Tenants saw the Landlord's correspondence.
8. The Landlord's application was filed July 4, 2024. The first instance hearing for this application was scheduled on April 23, 2025. The Landlord was granted an adjournment to properly serve the Former Tenants in accordance with the Rules and still has not done so. Therefore, the application is dismissed pursuant to Rule 5.17.

It is ordered that:

1. The Landlord's application is dismissed.

January 26, 2026
Date Issued

Melissa Anjema
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.