



**Order under Section 79 / 89
Residential Tenancies Act, 2006**

File Number: LTB-L-072823-25

In the matter of: 725 Third street THIRD ST
MISSISSAUGA ON L5E1B8

Between: Mazhar Iqbal Landlord
Sabeeh Mazhar
Jehanzaib Mazhar

And

Khapera Tamera Tenant

Mazhar Iqbal, Sabeeh Mazhar and Jehanzaib Mazhar (the 'Landlord') applied for an order to terminate the tenancy and evict Khapera Tamera (the 'Tenant') because:

- the Landlord believes that the Tenant abandoned the unit. (L2 Application) and;
- the Tenant did not pay the rent the Tenant owes. (L1 Application)

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

Mazhar Iqbal, Sabeeh Mazhar and Jehanzaib Mazhar (the 'Landlord') also applied for an order requiring Khapera Tamera (the 'Tenant') to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

This application was heard by videoconference on December 18, 2025.

Only the Landlords, Mazhar Iqbal and Jehanzaib Mazhar attended the hearing.

As of 9:30 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

L1 Application

1. For the reasons set out below, I find the Board does not have the jurisdiction to consider this application because the Tenant was not in possession of the rental unit on September 2, 2025 – the date this application was filed at the Board.
2. Within the applications before the Board, it states that the Landlords have not seen the Tenant since August 17, 2025, when the N4 notice was served and put under the Tenant's door.
3. The Landlord, Mazhar Iqbal testified that the Tenant advised them that he was going to vacate in July 2025, so the Landlords used the last month's rent deposit towards July's rent.
4. The Tenant did not vacate in July 2025, and the Tenant was witnessed at the property by the Landlords, Mazhar Iqbal (MI) and Sabeeh Mazhar (SM), who reside in the upper unit of the residential complex. They testified that they witnessed the Tenant moving things out of the rental unit before filing the application. Between August 17, 2025, and September 2, 2025, the Landlords MI and SM, witnessed the Tenant coming and going from the rental unit, removing his belongings from the unit. They testified that on September 2, 2025, they attended the rental unit and found that it was empty.
5. The Landlords' evidence about when the Tenant was last observed at the rental unit was internally inconsistent and inconsistent with the documents in the LTB's file. Although they testified that they observed the Tenant at the rental unit up until September 2, 2025, the L2 application states that the Landlords have not seen the Tenant since August 17, 2025. There is also a certificate of service (even though not on the Board prescribed form) uploaded to the file in TOP, which indicates that the N4 notice was served on the Tenant personally on September 2, 2025, and that the Landlord received a text confirming receipt, but there was no text message uploaded. At the hearing, the Landlords testified that the N4 was served August 17, 2025, and not September 2, 2025, as outlined on their certificate of service.
6. When I asked the Landlords if/how the Tenant would have received notice of the applications and the hearing, they testified that they put the Notice of Hearing in the Tenant's mailbox after the Tenant vacated as they do not have his forwarding address to give him the notice, and that in addition the Board should have emailed the Tenant the notice of hearing.
7. When I directly asked the Landlord, Mazhar Iqbal when his last discussion was with the Tenant, he testified that it was after the end of July but does not know the exact date but maybe it was August 2 or August 3.
8. The Landlords testified that they entered the unit on September 2, 2025, and noticed it was vacant at that time.
9. The Landlords testified on September 2, 2025, that when they entered the unit to turn the breaker back on, they noticed the unit was vacant, and that there were no personal belongings within the unit, no furniture, no food in the cupboards and anything left in the refrigerator was rotted.
10. Due to the discrepancies with the Landlords' oral testimony, and all the conflicting dates provided in documentation and in oral testimony, I am not satisfied on a balance of

probabilities that the Tenant was in possession of the rental unit when the Landlords filed the L1 application on September 2, 2025.

11. This is significant because although I have jurisdiction under section 87 of the *Residential Tenancies Act, 2006* (the 'Act') to hear an application for arrears owing by a tenant no longer in possession, in that case, the Landlords must serve the Tenant with the application and the Notice of Hearing in accordance with section 189.0.1 of the Act and Rule 3.3 of the LTB's Rules of Procedure.
12. The Board's records show the Board emailed the Tenant the notice of hearing and mailed the Tenant the notice of hearing and application. However, the Tenant no longer lives at the rental unit it and while the email did not bounce back it is not known if the Tenant received actual notice from the Board.
13. Ultimately, I am not satisfied that the Tenant had notice of these proceedings.
14. In these circumstances, given the Landlords' non-compliance with the service requirements, the Board does not have the jurisdiction to consider this claim and/or it would not be procedurally fair to consider the merits of the application and the Landlords' L1 Application must be dismissed.

It is ordered that:

1. The Tenant abandoned the rental unit on August 17, 2025.
2. The Landlords' L1 application is dismissed.

January 27, 2026

Date Issued

Samantha Greaves

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.