



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

Citation: RAHMAT v BOTELUA, 2026 ONLTB 8611

Date: 2026-01-26

File Number: LTB-L-083772-24

In the matter of: 1, 486 HIGHLAND RD EAST
KITCHENER ON N2M3W7

Between: ALI RAHMAT
SHANAS AKTHER Landlords

And

SYLVIE ILUNGA BOTELUA
JEMIMA KANGUDIE NGOMBA
KANGUDIE AICHA Former Tenants

ALI RAHMAT and SHANAS AKTHER (the 'Landlords') applied for an order requiring SYLVIE ILUNGA BOTELUA, JEMIMA KANGUDIE NGOMBA and KANGUDIE AICHA (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe.

The Landlords also applied for an order requiring the Former Tenants to 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.

This application was heard by videoconference on January 21, 2026.

Only the Landlord, A. Rahmat, attended the hearing.

As of 9:40 a.m., the Former Tenants were not present or represented at the hearing.

Determinations:

1. At the outset of the hearing, I raised a preliminary issue with respect to service of the L10 Application and Notice of Hearing.
2. Section 189.0.1 of the *Residential Tenancies Act, 2006* (the 'Act'), and Rule 5.8 of the LTB's Rules of Procedure require a landlord to serve a former tenant with a copy of the L10 application and the Notice of Hearing 30 days in advance of a hearing. Section 191(1.0.1) of the Act and Rule 3.3 provide the accepted ways a landlord may serve a former tenant with these materials.

3. Rule 3.3(c) of the Board's Rules of Procedure provide that, in addition to methods of service identified in the RTA a document may be served on a tenant or former tenant no longer in possession of a rental unit, by:

...

(c) by email if:

- i) during the tenancy the Tenants or former Tenants 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 Tenants or former Tenants.**

(Emphasis added)

4. The Landlords' certificate of service states that the L10 Application and Notice of Hearing was served on the Former Tenants via e-mail on October 16, 2025.
5. The Landlord testified that the Former Tenants stopped all communication after they vacated the unit. The last e-mail communication with the Former Tenants was July 19, 2024. The Landlords do not have any other contact for the Former Tenants and Landlord is unsure of whether he would be able to serve the Former Tenants for a further scheduled hearing.
6. This application was filed on October 10, 2024. This is the second hearing before the Board where the Landlords have been unable to serve the Former Tenants. The Landlord gave direct testimony that he is unable to locate the Former Tenants and does not have an updated address for them. Based on the Board's records, the Landlords were previously informed that the application may be dismissed if they cannot comply with the service requirements of the Act.
7. By the time of this hearing, the Landlords has had 16 months to locate and serve the Former Tenants and by their own admission, have been unable to do so.
8. Rule 3.3 provides that for email service of an L10 Application and Notice of Hearing on a Former Tenant to be effective, there must have been written consent to email service during the tenancy and the Landlord must prove the contents of the e-mail came to the attention of the Tenant or Former Tenant. In this case, the Landlord submitted that the Former Tenants have not responded to his e-mail. As a result, I find that the Landlords are not in a position to prove actual service.
9. In the above circumstances, I do not find an adjournment appropriate. As a result, the Landlords' application shall be dismissed as I am not satisfied that the Landlords served the L10 Application or Notice of Hearing on the Former Tenants at least 30 days before the hearing as required by the Act.

It is ordered that:

1. The Landlords' application is dismissed.

January 26, 2026

Date Issued

Mayra Sawicki

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.