



Order under Section 87 / 88.2 Residential Tenancies Act, 2006

Citation: Everitt-deJonge v Girard, 2026 ONLTB 9334

Date: 2026-01-30

File Number: LTB-L-015180-25

In the matter of: Front A, 479 DALHOUSIE ST
AMHERSTBURG ON N9V1X4

Between: Broderick Everitt-deJonge Landlord

And

Danielle Girard Former Tenants
Jesse Deering

Broderick Everitt-deJonge (the 'Landlord') applied for an order requiring Danielle Girard and Jesse Deering (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe.

The Landlord also applied for an order requiring the Former Tenants to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenant's 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 22, 2026.

Only the Landlord's agent Mohamad Mohamad attended the hearing.

As of 3:06 p.m., the Former Tenant was not present or represented at the hearing.

Determinations:

1. As explained below, the Landlord's application is dismissed.
2. This matter was previously scheduled at the LTB on September 17, 2025. The matter was adjourned at the applicant's request for the Landlord to serve a copy of their L10 application along with the new Notice of Hearing to the Former Tenants. The adjournment was marked peremptory on the Landlord, and was also advised by the Board that no further adjournments would be granted for service related reasons.
3. I am not satisfied that the Landlord served the Former Tenants with the application and Notice of Hearing using a method permitted in subsection 191(1.0.1) of the *Residential Tenancies Act, 2006* (the 'Act') and Rule 3.3 of the LTB's Rules of Procedure.

4. On October 29, 2025, the Landlord served the Notice of hearing and the Application to the Former Tenant's email.
5. The Former Tenant vacated the rental unit on September 22, 2024.
6. Service of documents by email to the Former Tenants is permitted under Rule 3.3(c) of the LTB's Rules of Procedure. This rule establishes a two part test, and it states that a document may be served on a former tenant(s) no longer in possession of a rental unit by email if: *(1) during the tenancy the tenant or former tenant had consented in writing to service by email; and (2) if it can be proven that the contents actually came to the attention of the tenant or former tenant.*
7. The Landlord's agent provided a copy of the lease agreement which confirmed that during the tenancy the Former Tenants consented in writing to service by email. However, the Landlord's agent did not provide sufficient evidence to establish that the notice of hearing and the application came to the attention of the Former Tenants. The Landlord's agent only produced a copy of a "delivery" notification confirming the documents had been sent. This delivery confirmation does not in itself sufficiently establish that the documents came to the attention of the Former Tenants. The Landlord's agent did not adduce documentary evidence of either a read receipt confirmation or an email reply from the Former Tenants confirming that the documents had come to the Former Tenants attention. This is evidence I would have reasonably expected the Landlord's agent to adduce to substantiate compliance with Rule 3.3(c) of the LTB's Rules of Procedure. Accordingly, I am not satisfied the Landlord has complied with this rule with respect to service. The Landlord's application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 30, 2026
Date Issued

Inderdeep Padma
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.