



Order under Section 87 / 89 / 88.1 Residential Tenancies Act, 2006

Citation: Marshall v Henry, 2026 ONLTB 9435

Date: 2026-02-09

File Number: LTB-L-006982-25

In the matter of: Basement, 310 GLENHOLME AVE
YORK ON M6E3C8

Between: Stephanie Marshall Landlord

And

Danyah Henry Former Tenant

Stephanie Marshall (the 'Landlord') applied for an order requiring Danyah Henry (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 are the result of the Former Tenant's conduct or that of another occupant of the rental unit or someone the Former Tenant permitted in the residential complex. This conduct substantially interfered with the Landlord's reasonable enjoyment of the residential complex or another lawful right, privilege or interest. The Landlord further 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.

This application was heard by videoconference on January 22, 2026.

Only the Landlord attended the hearing.

As of 11:24a.m., the Former Tenant was not present or represented at the hearing.

Determinations:

1. As explained below, the Landlord's application is dismissed.
2. The Former Tenant vacated the rental unit on December 30, 2024.
3. This matter was previously scheduled at the LTB on July 30, 2025. On this date, the matter was adjourned at the Landlord's request for the Landlord to serve a copy of their L10 application along with the new Notice of Hearing to the Former Tenant. The adjournment was marked peremptory on the Landlord.

4. I am not satisfied that the Landlord served the Former Tenant with a copy of the application and Notice of Hearing at least 30 days before the hearing in accordance with Rule 5.8 of the LTB's Rules of Procedure nor served the 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.
5. Rule 5.8 of the Board's Rules of Procedure states that a landlord's application to collect money a former tenant owes (L10 Application) and the Notice of Hearing must be served at least 30 days before the hearing date set out in the Notice of Hearing.
6. The Landlord testified that on January 8, 2026, she served the Notice of Hearing to the Former Tenant via text message on their phone number. No L10 application was served to the Former Tenant. Thus, I am not satisfied the Landlord served the Former Tenant with both the Notice of Hearing and the Application at least 30 days before the hearing as required under Rule 5.8 of Board's Rules of Procedure.
7. With respect to the service of the Notice of Hearing, service via text message is not a permitted method of service under subsection 191(1.0.1) of the Act and Rule 3.3 of the LTB's Rules of Procedure. There was no request for alternative service made by the Landlord to the Board in advance of the hearing date, to permit service of documents via text message to the Former Tenant. Accordingly, I am not satisfied that the Landlord served this document in accordance with the Act and Rule 3.3 of the LTB's Rules of Procedure.
8. For the above noted reasons, the Landlord's application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

February 9, 2026
Date Issued

Inderdeep Padma
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.