



Order under Section 87 Residential Tenancies Act, 2006

Citation: Heidari v Salehi, 2026 ONLTB 10305

Date: 2026-02-05

File Number: LTB-L-033968-24

In the matter of: Basement, 172 John Street
Thornhill ON L3T1Y7

Between: Masoumeh Heidari Landlord

And

Sanaz Salehi Former Tenant

Masoumeh Heidari (the 'Landlord') applied for an order requiring Sanaz Salehi (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on January 12, 2026. The Landlord, Represented by Shima Heidari, and the Former Tenant, Represented by Ali Golabgir, attended the hearing.

Determinations:

Preliminary Matters:

Post-Hearing Submissions

1. The parties were permitted to provide post-hearing submissions. Specifically, the Former Tenant was permitted to provide evidence to support that she gave the Landlord a cash payment of the final month of rent, and the Landlord was instructed to provide post-hearing submissions pertaining to their attempts to mitigate their damages.
2. Both parties provided submissions which were considered by the Board in making my determinations. Specifically, the Landlord's January 21, 2026, and the Former Tenant's February 3, 2026, submissions were considered.

Landlord's L10 Application

3. Despite my oral findings during the hearing, I am no longer of the view that the Landlord's application can succeed. Per s.17(1) of the *Statutory Powers Procedure Act*, a tribunal shall give its final decision and order in writing. Thus, I am not bound by my earlier determinations. I find that the Landlord did not comply with the Board's *Rules of Procedure* ('Rules'). Therefore, the Landlord's application is dismissed.

Service of L10 Application and Materials

File History

4. By way of background, the matter was before the LTB on March 17, 2025. The Former Tenant was not present nor represented at that hearing and Order LTB-L-033968-24 was issued on May 29, 2025.
5. On June 20, 2025, the Former Tenant filed a request to review Order LTB-L-033968-24, alleging that the Former Tenant was not reasonably able to participate at the March 17, 2026, hearing. A hearing was held on July 15, 2025, and the request to review Order LTB-L-033968-24 was granted. The matter was to be scheduled to be heard *de novo*.
6. The matter came before the Board on September 16, 2025. The matter was adjourned peremptory on all parties. The adjournment request was granted so that the Landlord could serve the Former Tenant with the L10 application materials. The Former Tenant was not in attendance on that date, but the Former Tenant's Representative sent an individual from his office in his absence.
7. On November 6, 2025, the Board sent a copy of the Notice of Adjourned Hearing to all the parties, including the Former Tenant's Representative and the Former Tenant.
8. On December 23, 2025, the Landlord Representative submitted a request for alternative service which listed the Former Tenant's e-mail address and stated "and/or" Former Tenant's e-mail address. The Board granted this request, and an endorsement was sent to the Landlord's Representative on January 2, 2026.
9. The Landlord's Certificate of Service indicates that on January 7, 2026, the Former Tenant and her Representative were served with the L10 materials by e-mail in accordance with the Board's endorsement.

Former Tenant's Submissions

10. The Former Tenant submits that they were not properly served with the Landlord's L10 Application and the Board's Notice of Hearing as required by s.189.0.1(2) of the *Residential Tenancies Act* ('the Act'), which states:

(2) *The applicant shall, within the time set out in the Rules, give the tenant or former tenant,*

- (a) *a copy of the application; and*
- (b) *a copy of any notice of hearing issued by the Board in respect of the application.*

11. The Former Tenant Representative further submits that he had been on a limited scope retainer and although documents had been sent to him by the Landlord Representative, that he was not obligated to share these with the Former Tenant because it was outside of the limited scope retainer. At that time, he advised he was not retained, and it was only after this that the Landlord Representative requested the Board's approval for alternate service.
12. The Former Tenant Representative agrees that he did not notify the Board that he was no longer representing the Former Tenant but states he did advise the presiding Member at the adjournment of this. In reviewing the file history, the prior adjournment sheet does not state that the Former Tenant Representative was on a limited scope retainer.
13. Regardless, the Former Tenant submits that the Landlord's Representative had been given an adjournment to effect service and then failed to take the appropriate steps as required under the Board's *Rules of Procedure* ('Rules').

Landlord's Submissions

14. The Landlord's Representative states she e-mailed the Former Tenant's Representative on December 18, 2025, and forwarded to him a copy of the Notice of Hearing and asked for his consent for service. He declined his consent. She submits that Former Tenant's Representative was aware of the hearing and of the Landlord's claim and cannot rely on a "cloud" of whether he was retained or not.

Analysis

15. Although the Landlord was made aware of the service requirements on September 16, 2025, she did not file a request for alternate service until December 23, 2025. The Board granted the request on January 2, 2026, and the Landlord's Representative sent the materials on July 10, 2026.
16. The Board's records indicate that both parties were sent a copy of the Notice of Hearing on 6, 2025. The Landlord forwarded this to the Former Tenant Representative on December 18, 2025.
17. Section s.189.0.1(2) of the Act states: that the Landlord "**shall**" provide a copy of the Notice of Hearing to the Former Tenant. The Board's Rule 5.8 states that: "A landlord's Application to Collect Money a Former Tenant Owes and the Notice of Hearing must be served **at least 30 days** before the hearing date set in the Notice of Hearing."
18. Given that the Landlord was put on notice at the September 16, 2025, adjournment, I am of the view that the Landlord did not take appropriate steps to serve the documentation pursuant to s. 189.01(2) of the Act. Although a request for substitute service was filed with the Board, this was not done until December 23, 2025. By this point, the hearing was already less than thirty days away. Even the date in which the Landlord sent the initial e-mail to the Former Tenant's Representative (in which the Former Tenant's Representative declined service) was sent on December 18, 2025, and was less than 30 days away as required.

19. I am also not of the view that because the Board issued a copy of the Notice of Hearing to the Former Tenant's Representative in November, that this absolves the Landlord from serving the Notice of Hearing and L10 application and materials in accordance with the Board's Rules, particularly when they could have acted upon this as early as September 16, 2025.
20. Given all of the circumstances, I am not satisfied that the Landlord served the Former Tenant as required under s. 189.01(2) of the Act. The Landlord's application is dismissed.

Costs

21. The Former Tenant Representative submits that it is prejudicial to have expected him to serve the Former Tenant with the Landlord's materials and seeks costs in the amount of \$750.00 for the Landlord's "conduct".
22. Although I find that the Landlord failed to take necessary steps required by the Act or Rules as stated in the Board's Interpretation Guideline #20, I am not persuaded that costs should be ordered in this matter. I say this because the Former Tenant's Representative failed to demonstrate how the Landlord's behaviour resulted in undue expense or delay incurred by the Former Tenant. The Former Tenant's Representative attended the hearing and was prepared to make arguments, which would suggest that the Former Tenant's Representative was aware not only of the hearing but had been able to seek instructions from his client in advance. As such, I am not of the view it is appropriate to award Board costs. No order shall issue.
23. This order contains all of the reasons within it. No further reasons shall issue.

It is ordered that:

1. The Landlord's application is dismissed.

February 5, 2026
Date Issued

Jane Dean
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.