



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Dhillon v MURPHY, 2026 ONLTB 13318

Date: 2026-02-06

File Number: LTB-L-074841-24-RV

In the matter of: 15110 ZONE CENTRE RD
BOTHWELL ON N0P1C0

Between: Sukhmeet Singh Dhillon Landlord
Simrat Kaur Dhillon

And

The Estate of Randy Murphy Former
Tenant

Review Order

Sukhmeet Singh Dhillon and Simrat Kaur Dhillon (the 'Landlord') applied for an order requiring the Estate of Randy Murphy (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 failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

The Landlord also 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 resolved by order LTB-L-074841-24 issued on January 5, 2026.

On February 4, 2026, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. The Landlord's application was dismissed because they did not serve the Tenant with the notice of hearing and application at least 30 days before the hearing as required by the

Residential Tenancies Act, 2006 ('the Act') and the Board's Rules of Procedure. The evidence presented at the hearing is that the Tenant is deceased and that the Office of the Public Guardian and Trustee was not representing the Tenant's estate. The Board was not satisfied that the Tenant's estate had been served with the required materials.

2. The Landlord submits that the Board made an error in law by not considering section 191(1.01) of the Act that permits electronic service where notice is reasonably brought to the attention of the party. Section 191(1.01) of the Act does not say that. That section is about the methods with which a document is sufficiently given to a former tenant. The Landlord may have intended to refer to section 191(2) that establishes that a document is validly given if it can be proven that its contents actually came to the attention of the person. However, there was no evidence led at the hearing or referenced in the review request that establishes that the notice of hearing for the December 19, 2025 hearing was brought to the attention of the Tenant's estate. As such I'm not satisfied that the Board made an error by not referring to a section of the Act that would not be applicable to this case.
3. The Landlord submits that the Board failed to properly consider that the notice of hearing and application were emailed to the Former Tenant on November 26, 2022 and were emailed to the Guardian and Trustee on September 20, 2024. The Board did not neglect to consider this submission of the Landlord. It is explicitly considered in the order. Additionally, I note that the application was filed September 13, 2024, and the notice of hearing for the December 18, 2025 hearing was not created until August 22, 2025. It is therefore unclear how the Landlord served the documents before they were created. Previously mentioning the claim to the Former Tenant or their representative does not prove that the Tenant's estate was aware of the December 18, 2025 hearing.
4. The Landlord submits that it was procedurally unfair to dismiss the application and that other remedies should have been granted such as an adjournment, substitute service, or providing directions to cure the service defect. The decision to dismiss the application was an exercise of the Hearing Member's discretion and is entitled to deference. The order reflects that the Hearing Member considered the Landlord's evidence and submissions. The Hearing Member also provided sufficient and reasonable reasons for the decision to dismiss the application. Reasonable determinations will not be interfered with on review.

It is ordered that:

1. The request to review order LTB-L-074841-24 issued on January 5, 2026 is denied. The order is confirmed and remains unchanged.

February 6, 2026
Date Issued

Amanda Kovats
Member, Landlord and Tenant Board

Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.