



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

File Number: LTB-L-034483-25

In the matter of: 275 PLEASANT AVE
NORTH YORK ON M2M1M7

Between: Jing Feng Gao Landlord

And

Gerson Maldonado Former Tenant

Jing Feng Gao (the 'Landlord') applied for an order requiring Gerson Maldonado (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

Jing Feng Gao (the 'Landlord') applied for an order requiring Gerson Maldonado (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.

This application was heard by videoconference on December 8, 2025.

Only the Landlord's legal representative, Hoi Fai Alvin Chan, attended the hearing.

As of 9:23am, the Former Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Landlord. There was no record of a request to adjourn the hearing.

Determinations:

1. At the hearing the Landlord's legal representative stated the Landlord had emailed the notice of hearing and application to the Former Tenant.
2. The Landlord's legal representative could not confirm the Former Tenant had received the documents as the Landlord did not attach a read receipt to the email and the Former Tenant had not responded to the Landlord's email.
3. Section 191(2) of the *Residential Tenancies Act*, 2006 (the "Act") states:

When notice deemed valid

(2) A notice or document that is not given in accordance with this section shall be deemed to have been validly given if it is proven that its contents actually came to the attention of the person for whom it was intended within the required time period. 2006, c. 17, s. 191 (2).

4. The Landlord's legal representative led with sufficient evidence the Former Tenant had received the notice of hearing and the application and requested an adjournment to affect proper service to the Former Tenant.
5. The adjournment was granted.
6. An interim order issued on December 16, 2025 requiring the Landlord to serve a copy of the application to the Former Tenant and upload a copy of the certificate of service to TOP by January 31, 2026. Paragraph 7 of the interim order states that if the Landlord failed to comply with the interim order the Landlord's application may be dismissed.
7. As of February 1, 2026 the Board records show that the Landlord did not comply with the interim order to:
 - File a Certificate of Service L10 Serving a Former Tenant or Tenant No Longer in Possession of the Rental Unit by January 31, 2026.
8. As such, in the circumstances, I find it appropriate to dismiss your application.
9. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The Landlord's application is dismissed.

February 10, 2026
Date Issued

Greg Brocanier
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.