



Order under Section 87 Residential Tenancies Act, 2006

Citation: Samwaiel v Oyewole, 2026 ONLTB 14762

Date: 2026-02-19

File Number: LTB-L-022277-25

In the matter of: 2103, 2220 LAKE SHORE BLVD W
ETOBICOKE ON M8V0C1

Between: Sherif Samwaiel Landlords
Samoeil Elgohary

And

Omopelumi Oyewole Former Tenant

Sherif Samwaiel and Samoeil Elgohary (the 'Landlords') applied for an order requiring Omopelumi Oyewole (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on February 10, 2026. Only Landlord Samoeil Elgohary attended the hearing.

As of 9:27 a.m., the Former Tenant was not present or represented at the hearing.

When the capitalized word "Landlord" is used in this order, it refers to all persons or companies identified as a Landlord at the top of the order.

Determinations:

Preliminary Issue:

Adjournment Request

1. The Landlord requests an adjournment to effect service of the required documents on the Former Tenant.
2. In reviewing the file history, I see that the matter had previously been adjourned on September 16, 2025, as service had not been completed as required by section 189.0.1(2). This was explained to the Landlord, and the matter was marked peremptory on the Landlord. The fresh Notice of Hearing was sent to the Landlord on September 25, 2025.

3. There is no Certificate of Service in the portal. However, the Landlord uploaded a series of three separate e-mail communications, each containing the required documents, sent to the Former Tenant. Also uploaded into the portal was a copy of a report from a private investigator ('PI'). The Landlord states that after unsuccessfully attempting to locate the Former Tenant, he retained a PI, about four to six weeks before the hearing. He says the PI says they are close to confirming the Former Tenant's whereabouts and requested a further adjournment to effect service. The Landlord submits that the rental arrears are extensive (\$25,500.00) and he has spent an additional \$1,500.00 on the PI costs.
4. I am of the view that the Landlord failed to exercise appropriate due diligence in this matter. First, no explanation was given to explain why the Landlord did not act sooner to retain the PI. I do not find it is reasonable to have waited until January 2026 to retain the PI when the Landlord was aware of new hearing date as of September 25, 2026. Further, the Landlord was advised of the service requirements on September 16, 2026, and was advised that the matter would be marked peremptory on him. Second, no explanation was put forward to explain why the Landlord did not request the Board's approval to grant alternate service so that the Landlord could send to the Former Tenant's e-mail, or why the Landlord did not request an adjournment in advance of the hearing, given the circumstances.
5. The Divisional Court in, *Solomon v Levy*, 2015 ONSC 2556 (CanLII), ('*Solomon*') cited the earlier decision of *Flamboro Downs Holdings Ltd. v. I.B. of T.C.W. & H. of A., Local 879*, at par. 41, stating (in-part):

Clearly, an administrative tribunal such as the Labour Relations Board is entitled to determine its own practices and procedures. Whether in a given case an adjournment should or should not be granted is a matter to be determined by the Board charged as it is with the responsibility of administering a comprehensive statute regulation labour relations. ...

6. In the matter of *Wang v Oloo*, 2023 ONSC 1028, ('*Wang*') the Divisional Court found at par. 7:

The LTB followed its own rules respecting adjournments at the original hearing. The requirement that a party requesting an adjournment provide evidence in support of the request before the hearing is a reasonable one. The tenants have no reasonable explanation for failure to comply with this requirement. As of the date of the hearing, no adjournment had been granted, no evidence had been provided to support an adjournment request, and neither then tenants nor an agent on their behalf attended the hearing. There is no argument available for appeal that the LTB proceeded in a procedurally unfair manner in holding the hearing, as scheduled, in these circumstances. The hearing panel stated in its decision that "there was no record" of a request for an adjournment. The tenants argue that this is incorrect – they did send an email asking for an adjournment. That request was not placed before the panel because the tenants provided no evidence in support of their request – so the panel's statement that there was "no

record of a request" reflected the record before the panel, and there was no administrative error in failing to include the undocumented adjournment request in the hearing file.

7. Given the Board's statutory obligation, pursuant to s.183, to hear matters in an expeditious way, and the Divisional Court's guidance in *Solomon and Wang*, I am not of the view that a further adjournment is warranted. The Landlord was effectively put on notice at the prior hearing that he needed to act promptly rather than waiting three months before retaining a PI.
8. I accept the Landlord's submissions that there is a significant amount of money at stake. However, given this, it fails to accord the Landlord did not take the additional steps necessary to locate the Former Tenant as soon as possible.
9. The Landlord's request to adjourn the hearing is denied.

Landlord's L10 Application

10. As explained below, the Landlord has failed to properly serve the Former Tenants with the application. Therefore, the application is dismissed.
11. 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'). The Landlord acknowledged they had not done so. The Landlord states that he contacted LTB staff and was told that it was not necessary for him to serve the Former Tenants with the new Notice of Hearing.
12. Section 189.0.1(2) of the Act states in relation to applications against former tenants no longer in possession of the rental unit that:

(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.
13. The L10 instructions and Certificate of Service are very clear that the Landlord is required to serve the Notice of Hearing to the Former Tenant. In addition, the L10 application refers the Landlord to the specific Certificate of Service and includes a hyperlink directly to that document. It also states that if a Certificate of Service is not uploaded to the Tribunals Ontario Portal ('portal'), the LTB may cancel the hearing and close the file.
14. The service requirements for an L10 application are quite different than any other application. Specifically, it is the landlord who must serve the tenant with a copy of the L10 application rather than the Board. Further, the tenant must have been served with a copy of the Notice of Hearing 30 days in advance. Again, this is contrasted with the other types of applications where the Board serves the parties with this information. E-mail service of L10 applications and notices are even more stringent requiring that the landlord show that the documents came to the former tenant's attention.

15. I am not satisfied that the Landlord served the Former Tenant by a method provided for in the Board's *Rules of Procedure*, which states that the Landlord must demonstrate that the Former Tenant agreed, in writing, to service of documents via e-mail, and that it can be proven that the documents came to the attention of the former tenant(s). The Landlord had no evidence to demonstrate that the Former Tenant was aware of the hearing. Since the matter had already been adjourned on a prior date, and the Landlord was advised it was incumbent upon him to prove service at the next hearing date, I am not of the view it is appropriate to grant a further adjournment.

It is ordered that:

1. The Landlord's application is dismissed.

February 19, 2026
Date Issued

Jane Dean
Member, Landlord and Tenant Board

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