



Order under Section 87 Residential Tenancies Act, 2006

Citation: Whyte v Darling, 2026 ONLTB 14742

Date: 2026-02-19

File Number: LTB-L-021908-25

In the matter of: UNIT 1, 1688 RIDEAU FERRY RD
PERTH ON K7H3C7

Between: Martin Whyte Landlord

And

Tennille Darling Former Tenant

Martin Whyte (the 'Landlord') applied for an order requiring Tennille Darling (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 the Landlord attended the hearing.

As of 10:02, the Former Tenant was not present or represented at the hearing.

Determinations:

1. As explained below, the Landlord has failed to properly serve the Former Tenants with the application. Therefore, the application is dismissed.
2. 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.
3. 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.

4. This hearing date was the second scheduled hearing date for this application. The previous hearing date had been adjourned as service had not been completed as required by section 189.0.1(2). The matter was marked preemptory on Landlord.
5. 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 ('TOP'), the LTB may cancel the hearing and close the file.
6. The Certificate of Service indicates the Former Tenant was served the Notice of Hearing via e-mail on September 23, 2025.
7. 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.
8. 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.