



**Order under Section 87 / 88.2 / 89
Residential Tenancies Act, 2006**

File Number: LTB-L-092515-24

In the matter of: 223 DOUGLAS ST
FORT ERIE ON L2A3X3

Between: Ashish Singh Landlord

And

Kelly Frances Davis Former Tenant

Ashish Singh (the 'Landlord') applied for an order requiring Kelly Frances Davis (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

Ashish Singh (the 'Landlord') applied for an order requiring Kelly Frances Davis (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.

Ashish Singh (the 'Landlord') applied for an order requiring Kelly Frances Davis (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 heard by videoconference on February 11, 2026.

Only the Landlord attended the hearing.

As of 9:22 a.m., the Former Tenant was not present or represented at the hearing.

Determinations:

1. I am not satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing at least 30 days before the hearing in accordance with Rule 3.3 of the LTB's Rules of Procedure.
2. This matter was previously before the Board on September 29, 2025 and adjourned in part because the Landlord had not served the Former Tenant with the required documents in accordance with the Board's Rules.

3. The Landlord did not file a Certificate of Service in advance of the February 11, 2026 hearing date and I asked the Landlord if the Former Tenant had been served with the Notice of Hearing and the application as required by Rule 5.8. This rule requires the Landlord to serve the document at least 30 days before the hearing.
4. The Landlord stated that he did not set a sufficient reminder to do so within the 30 day period and only emailed the documents to the Former Tenant on February 2, 2026. He also stated that since the Former Tenant appeared on the previous hearing date, he did not realize he had to serve the Notice of Hearing for the adjourned hearing on February 11, 2026.
5. The Landlord confirmed he received the Adjourned Notice of Hearing. The notice, sent to the Landlord on October 8, 2025, provides clear instructions, highlighted in yellow, of his service obligations. Despite this, he did not follow the instructions provided.
6. The Board is required to hold expeditious hearings. This matter had already been adjourned and the Landlord was provided clear instructions to serve the Notice of Hearing to the Former Tenants at least 30 days before the hearing. The Landlord provided no reasonable explanation for failing to comply with his obligation to serve the Former Tenant. When I considered Rule 5.17 of the Board's Rules of Procedures as well as section 183 of the *Residential Tenancies Act, 2006*, (the Act), I did not find there was a reasonable basis to adjourn the file again and I dismissed the Landlord's application for a lack of service.

It is ordered that:

1. The Landlord's application is dismissed.

February 18, 2026

Date Issued

John Cashmore

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.