



Order under Section 87 Residential Tenancies Act, 2006

File Number: LTB-L-089953-24

In the matter of: 72 DOUGLAS HAIG DR
MARKHAM ON L3S2C8

Between: Xiaomin Yu Landlord

And

Danica Mae belo Vitto Former Tenants
Marc Darly Vitto
Jhune Castr

Xiaomin Yu (the 'Landlord') applied for an order requiring Danica Mae belo Vitto, Marc Darly Vitto and Jhune Castr (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe.

This application was heard by videoconference on February 11, 2026.

Only the Landlord and the Landlord's Legal Representative Weslie Phang attended the hearing.

As of 10:46 a.m., the Former Tenants were not present or represented at the hearing.

Determinations:

1. I am not satisfied that the Landlord served the Former Tenants 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 October 2, 2025 and adjourned, peremptory on the Landlord, due to a lack of service of the L10 application and the Notice of Hearing to the Former Tenants.
3. The Landlord's Certificate of Service for the February 11, 2026 hearing date shows the documents were served to the Former Tenants by email.
4. Rule 3.3 of the Board's Rules of Procedure states:

In addition to methods of service identified in the RTA a document may be served on a tenant or former tenant no longer in possession of a rental unit, by:

- a) leaving it at the place where mail is ordinarily delivered to the person, sliding it under the door or putting it through a mail slot in the door of the tenant or former tenant's residence;
 - b) sending the document(s) by courier to the address where the tenant or former tenant resides; or
 - c) by email if:
 - i) during the tenancy the tenant or former tenant had consented in writing to service by email; and
 - ii) if it can be proven that the contents actually came to the attention of the tenant or former tenant.
5. On December 13, 2024, before the original hearing date, the Board issued an endorsement granting the Landlord's request to use email as an alternative form of service. The endorsement in granting the request, also directs the Landlord to attend the hearing prepared to provide evidence showing the email came to the attention of the Former Tenants.
6. At the hearing on February 11, 2026, the Landlord could not provide any evidence showing the email sent to the Former Tenants, containing the Notice of Hearing and a copy of the application, actually came to their attention. As such, I was not satisfied the Landlord had served the required documents to the Former Tenants in accordance with the Board's Rules.
7. The Board is required to hold expeditious hearings. This matter had already been adjourned for service and the hearing was peremptory on the Landlord to proceed. When I considered the Landlord's submissions, Rule 5.17 of the Board's Rules of Procedures and 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 due to a lack of service.

It is ordered that:

- 1. The Landlord's application is dismissed.

February 17, 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.