



Order under Section 87 Residential Tenancies Act, 2006

File Number: LTB-L-091536-24

In the matter of: 1002, 8787 RIVERSIDE DR E
WINDSOR ON N8S1G7

Between: TerraCorp. Management Inc. Landlord

And

Michael John Former Tenant

TerraCorp. Management Inc. (the 'Landlord') applied for an order requiring Michael John (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

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

Only the Landlord's Agent Ashley Martin attended the hearing.

As of 10:27 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, peremptory on the Landlord, due to a lack of service of the L10 application and the Notice of Hearing to the Former Tenant.
3. The Landlord's Certificate of Service for the February 11, 2026 hearing date shows the documents were served to the Former Tenant by email.
4. Rule 3.3 of the Board's Rules of Procedure provides:

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. The Landlord stated the email used was the email the Former Tenant had used during the tenancy. I asked the Landlord if they had any evidence to provide that would show the contents of the email had actually come to the attention of the Former Tenant and the Landlord confirmed she did not. The Landlord also stated that they have not had any contact with the Former Tenant since he vacated the rental unit.
6. For these reasons, I was not satisfied the Former Tenant had been served with the Notice of Hearing and a copy of the application at least 30 days before the hearing as required.
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 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.