



Order under Section 87 Residential Tenancies Act, 2006

Citation: Moskovskaya v Smith, 2026 ONLTB 16720

Date: 2026-02-25

File Number: LTB-L-051806-25

In the matter of: UNIT 2-ROOM 23, 38 MARSHALL ST
WATERLOO ON N2J2T4

Between: Victoria Moskovskaya

Landlord

And

Lucas Allan Edward Smith

Former Tenant

Victoria Moskovskaya (the 'Landlord') applied for an order requiring Lucas Allan Edward Smith (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on February 18, 2026.

Only the Landlord attended the hearing.

As of 10:34 a.m., the Former Tenant was not present or represented at the hearing.

Determinations:

1. As explained below, the Landlord's application is dismissed.
2. The Former Tenant vacated the rental unit on April 27, 2025.
3. On August 12, 2025, the Board granted the Landlord's request for alternative service permitting service of the documents, the L10 Application and the Notice of Hearing("NOH"), to the Former Tenant via email. The Board indicated that the Landlord must provide proof that the email(s) came to the attention of the Former Tenant.
4. Under Rule 3.3(c) of the LTB's Rules of Procedure("Rules"), a document may be served on a former tenant no longer in possession of a rental unit by email if: *(1) during the tenancy the tenant or former tenant had consented in writing to service by email; and (2) if it can be proven that the contents actually came to the attention of the tenant or former tenant.*
5. Since the Board granted the Landlord's request for alternative service by email, this eliminated the need for the Landlord to establish consent in writing to email service.

However, the Landlord still must establish the second part of the requirement, that the emails came to the attention of the Former Tenant.

6. On August 12, 2025, the Landlord served a copy of the amended L10 application to the Former Tenant via email. On January 17, 2026, the Landlord served a copy of the NOH to the Former Tenant via email.
8. At the hearing, the Landlord provided copies of the emails to establish compliance with Rule 3.3(c) of the Board's Rules with respect to email service. These emails only confirmed that the Landlord had sent the emails and were insufficient to establish that the emails came to the attention of the Former Tenant. Thus, I was not satisfied that the Landlord had established compliance with respect to service of the documents coming to the attention of the Former Tenant in accordance with Rule 3.3(c) of the Board's Rules. I would have reasonably expected the Landlord to adduce either read receipts, or a reply from the Former Tenant confirming receipt of the emails, which would establish that the emails came to the attention of the Former Tenant or provide other sufficient evidence that proves these emails came to the attention of the Former Tenant.
9. For the above noted reasons, the Landlord's application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

February 25, 2026
Date Issued

Inderdeep Padda
Member, Landlord and Tenant Board

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