



Order under Section 87 / 89 Residential Tenancies Act, 2006

Citation: Singh v SHERK, 2026 ONLTB 17082

Date: 2026-02-26

File Number: LTB-L-092647-24

In the matter of: 8 HEMING ST
PARIS ON N3L0M5

Between: Ashish Singh Landlord

And

DAVID SHERK Former Tenant

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

The Landlord also applied for an order requiring 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 12, 2026.

Only the Landlord attended the hearing.

As of 9:38 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. This matter was previously scheduled at the Board on October 6, 2025. The matter was adjourned at the Landlord's request so they could serve a copy of their L10 application along with the new Notice of Hearing to the Former Tenant.
3. 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. Neither I am I satisfied that the Landlord served the Former Tenant 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') and Rule 3.3 of the LTB's Rules of Procedure.

4. The Landlord did not complete and file a Certificate of Service prior to the hearing. At the hearing, the Landlord advised that he sent an email to the Former Tenant on January 31, 2026, containing the L10 application and the Notice of hearing. He adduced a copy of this email in support of his argument. The documents attached in this email, were difficult to identify, but the Board accepted the Landlord's uncontested evidence that this email contained both the L10 Application and the Notice of Hearing served to the Former Tenant.
5. Since the date of the email is January 31, 2026, its clear the documents were not served by the Landlord to the Former Tenant 30 days prior to the hearing date. Thus, I am not satisfied the Landlord complied with Rule 5.8 of the Board's Rules of Procedure.
6. With respect to the method of service, email service of documents is permitted under Rule 3.3(c) of the LTB's Rules of Procedure. This rule establishes a two part test, and it states that a document may be served on a former tenant(s) 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.*
7. The Landlord provided a copy of the lease agreement which confirmed that during the tenancy the Former Tenant consented in writing to service by email. However, the Landlord did not provide sufficient evidence to establish that the notice of hearing and the application came to the attention of the Former Tenant. He did not provide evidence of a read receipt confirmation from the Former Tenant, or an email reply from the Former Tenant, or any other sufficient evidence confirming that the documents (L10 Application and Notice of hearing) that the Landlord sent to the Former Tenant on January 31, 2026, had come to attention of the Former Tenant. I would have reasonably expected the Landlord to adduce to such evidence to substantiate compliance with Rule 3.3(c) of the LTB's Rules of Procedure. Accordingly, I am not satisfied the Landlord has complied with this rule.
8. The Landlord requested another adjournment so he could re-serve the Former Tenant. An adjournment is not an automatic right. Considering the factors enumerated in the LTB guidelines pertaining to adjournments (No.1), I declined the adjournment request. The matter was previously adjourned at the Landlord's request so he could affect service onto the Former Tenant in accordance with Act or the Board's Rules of Procedure. He claimed his mother had passed away in November 2025 and it was difficult for him to keep track issues- which I understand to mean his responsibilities to serve the Former Tenant in accordance with the Act, and the Board's Rules of Procedure. The notice of hearing was issued by the Board on October 9, 2025. The Landlord had reasonable amount of time to effect service to the Former Tenant prior his mother's passing in November 2025, and the month's following. The Landlord does not know where the Former Tenant resides and did not provide sufficient evidence as to the efforts he had taken, or will take, to locating the Former Tenant or to effect service. Accordingly, I was not satisfied that the Landlord would be able to perfect service on to the Former Tenant in accordance with the Board's Rules of Procedure or the Act if an adjournment was granted for this purpose.
9. For the above noted reasons, the Landlord's application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

February 26, 2026

Date Issued

Inderdeep Padda

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.