



Order under Section 87 Residential Tenancies Act, 2006

Citation: WAN v FAKOORI, 2026 ONLTB 17200

Date: 2026-02-27

File Number: LTB-L-002510-25

In the matter of: 18 CORDUROY RD
MARKHAM ON L6C0N7

Between: XIANGLAN WAN Landlord

And

FOUJAN FAKOORI Former Tenants
PAUL JAFARPOUR JAFAR

XIANGLAN WAN (the 'Landlord') applied for an order requiring FOUJAN FAKOORI and PAUL JAFARPOUR JAFAR (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe.

This application was heard by videoconference on January 22, 2026.

Only the Landlord's agent Kaiwen Luan attended the hearing.

As of 10:45a.m., the Former Tenants were 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 July 17, 2025. On this date, the matter was adjourned at the Landlord's request, and it was marked peremptory on the Landlord.
3. 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. Neither I am I satisfied that the Landlord served the Former Tenants 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. On January 13, 2026, the Landlord sent an email to the Former Tenants containing the notice of hearing. The Landlord's agent adduced a copy of the email dated January 13,

2026, and it confirms the only attachment in this email was the notice of hearing. No application was sent.

5. Since the date of the email is January 13, 2026, its clear the Landlord did not serve the Former Tenants 30 days prior to the hearing date. Also, no application was served to the Former Tenants. Thus, I am not satisfied the Landlord complied with Rule 5.8 of the Board's Rules of Procedure which requires the Landlord to serve the Former Tenants with both the L10 application the notice of hearing at least 30 days before the hearing date.
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.* The Landlord's agent did not provide sufficient evidence to establish that during the tenancy the Former Tenants consented in writing to service by email. I would have reasonably expected the Landlord's agent to adduce a copy of a lease agreement or other documentary evidence to substantiate compliance with Rule 3.3(c) of the LTB's Rules of Procedure that the Former Tenants had provided consent in writing to email service. Thus, I am not satisfied the Landlord has complied with this rule.
7. For the above noted reasons, the Landlord's application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

February 27, 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.