



**Order under Subsection 87(1)
Residential Tenancies Act, 2006**

File Number: LTB-L-106075-25

In the matter of: 49-51 THIRTY THIRD ST
ETOBICOKE ON M8W3H2

Between: 1271084 Ontario Inc Landlord

And

Courtney Geldart Tenants
Patricia Geldart

1271084 Ontario Inc (the 'Landlord') applied for an order requiring Courtney Geldart and Patricia Geldart (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on February 25, 2026.

Only the Landlord's Agent, Victoria Liscio ('LLA') attended the hearing.

As of 10:04am, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord served an N4 Notice (N4) with both Tenants, Courtney Geldart and Patricia Geldart on the N4.
2. As per the Landlord's Certificate of Service (COS) it states that the N4 was served via email to only one Tenant, Courtney Geldart.
3. The Landlord's agent (LLA) testified that as per the Lease the Tenants consented to service of notices via email, however upon further investigation, the Lease Agreement did not set out the Tenant's email address for service.
4. As per Rule 3.1(h) of the Board's Rules of Procedure it states that a document may be served on a person or party:

By email if the person or party receiving it has consented in writing to service by email.

5. Further, as laid out within the Guideline 10 which speaks to adequacy of service of a notice of termination it states:

If the tenant acknowledges receipt of the Notice by the date required or if the landlord can prove that the tenant received it, this will be sufficient no matter how the Notice was served

6. The LLA testified that she sent a text messages to Courtney Geldart informing her that she would be serving an N4 via email, additionally, the LLA testified that the email containing the N4 was sent solely to Courtney Geldart and did not include the other tenant, Patricia Geldart. Neither of the Tenants acknowledged receipt of the email containing the N4 nor did they reply to the text message sent by the LLA stating that they would be serving an N4 via email. Due to the foregoing, I was not satisfied the N4 was served pursuant to the Rules, Guideline or Act. Consequently, the N4 could not be deemed to be validly served upon the Tenants and thus, an arrears only order was considered.
7. The LLA testified that she believed the Tenants had vacated the rental unit on or about February 7, 2026 as she had been informed from neighbouring units that the Tenants were seen moving from the unit. The LLA further stated that the Landlord was notified on February 24, 2026 that the Tenant's Toronto Hydro account was disconnected as of February 1, 2026. The LLA testified that the Tenants had not returned their keys and had not notified the Landlord that they had vacated the rental unit. Due to these reasons, it was unclear whether the Tenants had vacated the rental unit. Consequently, the Tenants were found to still be in possession of the rental unit on the date of the hearing.
8. The lawful rent is \$2,101.25. It is due on the 1st day of each month.
9. The Tenant has not made any payments since the application was filed.
10. The total rent arrears owing to February 28, 2026 was \$6,303.75.
11. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlord \$6,489.75. This amount includes rent arrears owing up to February 28, 2026 and the cost of the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before March 15, 2026, the Tenant will start to owe interest. This will be simple interest calculated from March 16, 2026 at 4.00% annually on the balance outstanding.

March 4, 2026
Date Issued

Angela Smith
Member, Landlord and Tenant Board

Peter Nicholson

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.