



**Order under Section 87
Residential Tenancies Act, 2006**

File Number: LTB-L-033410-24

In the matter of: 1, 1080 DOVERCOURT RD
TORONTO ON M6H2X8

Between: 10221554 Canada Ltd. Landlord

And

Tevon Brenton Wynter Former Tenant

10221554 Canada Ltd. (the 'Landlord') applied for an order requiring Tevon Brenton Wynter (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

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

Only the Landlord attended the hearing.

As of 9:41am the Former Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Landlord. 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. 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 hearing was previously adjourned on March 24, 2025. Notes from the previous member in the adjournment sheet indicate the Landlord requested the adjournment as the Landlord did not serve the Former Tenant with the notice of hearing.
3. The Landlord stated they also had authorization to serve the Former Tenant by email in accordance with the tenancy agreement and stated he would upload a copy of the tenancy agreement into the portal.
4. Board records indicate the Landlord submitted an L10 certificate of service on February 9, 2026. The certificate of service indicates the Landlord served the Former Tenant a copy of the notice of hearing by email on February 9, 2026.
5. The Former Tenant did not attend the hearing.

6. Providing a party with notice that a hearing is taking place is a central component of procedural fairness. It is unfair to make an order against a party without giving the party an opportunity to participate in the proceeding. Section 7 of the *Statutory Powers Procedure Act* establishes that a condition precedent to the Board's authority to run hearings in the absence of a responding party is that notice of the hearing has been given. While the Landlord's claims are important and substantial, that does not override the Former Tenant's entitlement to procedural fairness.
7. In addition, the Rules establish different service requirements for use of email if tenants are in possession or no longer in possession of a rental unit. Rule 3.3 of the Rules establishes that document may be served on a 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.
8. Although I am satisfied that the Landlord has authorization for service by email in accordance with the tenancy agreement, I find the Landlord has failed to provide the Former Tenant with more than 30 days notice and led with insufficient evidence the notice of hearing was received by the Former Tenant.
9. I am not satisfied that because the email did not bounce back that is sufficient to prove that it came to the Tenant's attention.
10. Given the file has been previously adjourned and this is the second hearing the Landlord has attended I am not persuaded that a second adjournment would meaningfully improve the likelihood of the Landlord finding the Former Tenant.
11. Therefore, the Landlord's application must be dismissed.
12. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The Landlord's application is dismissed.

March 13, 2026
Date Issued

Greg Brocanier
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.