



Order under Section 87 Residential Tenancies Act, 2006

File Number: LTB-L-055048-25

In the matter of: PH201, 133 WYNFORD DR
NORTH YORK ON M3C0J5

Between: YAU MING LEE Landlord
GENTRY KIN-YU LEE

And

MAJID KAFAIEZADTEHRANI Former Tenant
MARYAM DAVOODI

YAU MING LEE and GENTRY KIN-YU LEE (the 'Landlord') applied for an order requiring MAJID KAFAIEZADTEHRANI and MARYAM DAVOODI (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on February 17, 2026.

Only the Landlord's legal representative, attended the hearing.

As of 11:16am, 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 notice of hearing in accordance with the *Residential Tenancies Act, 2006* ('the Act') or the LTB's Rules of Procedure ('the Rules'). Therefore, the application must be dismissed.
2. The Landlord filed an application with the Board on July 4, 2025 and a notice of hearing was issued to the Landlord on October 17, 2025.
3. Board records indicate that a member endorsement was issued to the Landlord on December 8, 2025 with instructions for the Landlord to serve a copy of the notice of hearing and the application on or before January 18, 2026 and upload a copy of the certificate of service to the TOP portal for proof of service.
4. As of the day of the hearing the Landlord had failed to comply with the endorsement.

5. At the hearing the Landlord's legal representative requested an adjournment to effect service on the Former Tenant, stating the Landlord had received information the Former Tenant and Landlord would be attending the same social event the following week, and this would provide the Landlord an opportunity to serve the Former Tenant at the event.
6. The Landlord's legal representative stated he was waiting for the hearing to make the request to adjourn.
7. The Board's Rules of Procedure section 5.17 state:

Failure to Serve

5.17 Where a party fails to serve as ordered the LTB may:

- a. proceed with the hearing if satisfied there will be no prejudice to any party;
 - b. adjourn the hearing; or,
 - c. dismiss the application, motion or request.
8. While I acknowledge the difficulties landlords face in attempting to locate former tenants, the Landlord's legal representative led with insufficient evidence to show that, since filing the application, the Landlord has taken reasonable steps to locate the Former Tenant and use all the tools available to him to do so.
9. I do not find it reasonable that the Landlord's legal representative waited until the hearing to make the adjournment request given the endorsement was issued on December 8, 2025 and the Landlord's legal representative had ample time to make his request in advance of the endorsement deadline of January 18, 2026.
10. Considering the significant time already available to the Landlord to attempt to locate the Former Tenant, I am not persuaded that an adjournment would meaningfully improve the likelihood of finding the Former Tenant.
11. In accordance with Rule 5.17 the Landlord's application is dismissed because the Former Tenant was not served with the notice of hearing.
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 19, 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.