



**Order under Section 89
Residential Tenancies Act, 2006**

File Number: LTB-L-086472-23

In the matter of: 45 Balwin Lane
Barrie ON L4N2W2

Between: Mertella Livingston Landlord

And

Riya Dhawan Former Tenant
Jashanpreet Singh
Karanpreet Singh
Amritpal Singh

Mertella Livingston (the 'Landlord') applied for an order requiring Riya Dhawan, Jashanpreet Singh, Karanpreet Singh and Amritpal Singh (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 December 15, 2025.

Only the Landlord's Legal Representative Donald Cameron Tenant attended the hearing.

As of 9:27 a.m., 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.

Procedural History:

1. This application appeared before the Board on October 24, 2024, and adjourned on consent of the parties.
2. The matter again appears before the Board on July 16, 2025, and adjourned to the Landlord's request for service.

Determinations:

1. As explained below, the Landlord did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. I am not 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.
3. I turn to Rule 3.3 states that:

"In addition to methods of service identified in the RTA a document may be served on a tenant or former tenant no longer in possession of a rental unit, by:

ii. if it can be proven that the contents actually came to the attention of the tenant or former tenant."

4. I questioned the Landlord on whether service could be established and if the documents came to the attention of the Tenants. Mr. Camerson stated while two of the four tenants were likely notified, the other two tenants had moved to unknown locations and their current whereabouts are unknown.
5. I considered Rule 5.17 and Rule 21.8 of the Board's Rules of Procedure in determining this was not a case that warranted an adjournment. The Landlord is required to exercise some diligence to ensure their application can proceed. In my view, this includes reading the application and the Notice of Hearing and complying with the service requirements or making a reasonable attempt to do so. Other than the utterance that the Landlord cannot locate two of Tenants, there was evidence provided to show what steps had been taken to locate the missing two tenants.
6. I also considered the prejudice to the Landlord in not adjourning the file, however, in my view, this prejudice is a result of the Landlord's failure to act on the clear instructions contained in the application and the Notice of Hearing to serve the documents to the Former Tenants. Additionally, this matter was adjourned from July 20225, for the same issue of service. The Landlord could have attended the hearing prepared to demonstrate they had been diligent in trying to serve the Former Tenants and were likely to succeed if the matter was adjourned. This was not the case here. For these reasons, I did not find there was a reasonable basis to adjourn the file, and I dismissed the Landlord's application because of a lack of service.

It is ordered that:

1. The Landlord's application is dismissed.

March 23, 2026
Date Issued

Anthony Bruno
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.