



Order under Section 87 Residential Tenancies Act, 2006

File Number: LTB-L-063913-24

In the matter of: UNIT 505, 215 QUEEN ST W
TORONTO ON M5V0P5

Between: Huiming Jiang Landlord

And

Qing Yu Former Tenant
Junyao Xiong

Huiming Jiang (the 'Landlord') applied for an order requiring Qing Yu and Junyao Xiong (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on December 15, 2025.

Only the Landlord's Legal Representative Yun Tao Li attended the hearing.

As of 2:28 p.m., the Former Tenant was/were 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 July 8, 2025, and adjourned at the Landlord's request.

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 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. The evidence submitted regarding the notice of the video conference hearing was provided by email dated November 15, 2025, the same date as the hearing. There is no evidence that this notice was ever brought to the Tenants' attention.
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 email, there was no evidence to show what additional steps had been taken to ensure the Tenant was served.
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 2022, 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 24, 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.