



**Order under Section 87 / 89
Residential Tenancies Act, 2006**

File Number: LTB-L-042567-25

In the matter of: 32 LAURENTIDE DR
NORTH YORK ON M3A3C7

Between: Xiu Yun Li Landlord

And

Hojjat Nayeb Former Tenant

Xiu Yun Li (the 'Landlord') applied for an order requiring Hojjat Nayeb (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

Xiu Yun Li (the 'Landlord') applied for an order requiring Hojjat Nayeb (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 March 18, 2026.

Only the Landlord's legal representative, Yun Tao Li attended the hearing.

As of 10:06am, the Former Tenant was not present or represented at the hearing.

Determinations:

1. I am not satisfied that the Landlord served the Former Tenant with the application and notice of hearing in accordance with the Residential Tenancies Act, 2006 ('the Act') or the LTB's Rules of Procedure ('the Rules').
2. Providing a party with notice that a hearing is taking place is a central component of procedural fairness. It is manifestly 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.
3. The position of the Landlord he served th application and the notice of hearing to an email address the Landlord and Former Tenant used to communicate throughout the tenancy.

4. The Landlord's legal representative stated that the Landlord did not receive a delivery error message or a bounce back from the Former Tenant's email account.
5. I am not satisfied that the Landlord has proven the application and the notice of hearing came to the attention of the Former Tenant. I am not satisfied that because the email did not bounce back that it is sufficient to prove that it came to the Former Tenants attention.
6. While I acknowledge the difficulties landlords face in attempting to locate former tenants in the absence of any forwarding information the Landlord led with insufficient evidence to show that, since filing the application, the Landlord has exhausted all reasonable methods, other than email, at his disposal to locate the Former Tenant.
7. 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. Considering the significant time already available to the Landlord to attempt to locate the Former Tenant under section 191(1.0.1.), I am not persuaded that an adjournment would meaningfully improve the likelihood of finding the Former Tenant.
9. In accordance with Rule 5.17 the Landlord's application is dismissed because the Former Tenant was not served with the notice of hearing.
10. 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 26, 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.