



**Order under Section 87 / 88.2 / 89
Residential Tenancies Act, 2006**

File Number: LTB-L-040105-25

In the matter of: 2, 570 WEST ST
BRANTFORD ON N3R7Y7

Between: KANWARPREET SINGH Landlord

And

JESSE MASK Former Tenant
JULIE MASK

KANWARPREET SINGH (the 'Landlord') applied for an order requiring JESSE MASK and JULIE MASK (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

KANWARPREET SINGH (the 'Landlord') applied for an order requiring JESSE MASK and JULIE MASK (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

KANWARPREET SINGH (the 'Landlord') applied for an order requiring JESSE MASK and JULIE MASK (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 24, 2026.

Only the Landlord attended the hearing.

As of 10:25am, 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 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. While the Landlord's claims are important and substantial, and I am sympathetic to the difficulties faced by the Landlord in locating the Former Tenant, that does not override the Former Tenant's entitlement to procedural fairness.
3. While I acknowledge the difficulties the Landlord has encountered in attempting to locate the Former Tenant, 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.
4. Serving the notice of hearing at a rental unit that the Former Tenant no longer lives in is not an approved method of service in accordance with section 191(1.0.1) of the Act nor Rule 3.3 of the Rules. However, even if a document is served in a non-approved method, section 191(2) of the Act establishes that it can still be deemed to be validly given if it can be proven that its contents actually came to the attention of the person. I am not satisfied by the Landlord's submission that because its possible that the Former Tenant has mail forwarding that establishes on a balance of probabilities that the document came to the Former Tenant's attention. There is no actual evidence that the Tenant has mail forwarding set up.
5. 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.
6. I am satisfied that the Landlord meets the first requirement for service by email. The Former Tenant consented in the lease agreement to service by email.
7. However, I am not satisfied that the Landlord meets the second requirement. There is insufficient evidence to support that the documents actually came to the Former Tenant's attention. The Landlord led with insufficient evidence to prove the Former Tenants received the email with the documents. 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.
8. The Landlord's request for an adjournment to get a skip tracer to locate the Tenant was denied. While I did consider the submission that the Landlord's organizational structure means that it takes time for the Landlord to get approval to use a skip tracer, I find that the Landlord has had sufficient time to find a method of contacting the Tenant. The Landlord filed their application over a year ago. The application was also already adjourned previously related to issues with service.

9. 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.
10. Nonetheless, the Landlord's application indicates the Former Tenant vacated the rental unit on May 1, 2025 and although the application is dismissed the Landlord still has time to locate the Former Tenant and serve the Former Tenant in accordance with the Act and the Board's Rules with a new application if the Landlord chooses to do so.
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.

April 1, 2026
Date Issued

Greg Brocanier
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.