



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

File Number: LTB-L-104662-24

In the matter of: 2 Summerbeam Way West
Brampton Ontario L6Y0E3

Between: Biju Kumar Gurdita Landlord
Priyanka Gurdita

And

Clayton A Ayers Former Tenant

Biju Kumar Gurdita and Priyanka Gurdita (the 'Landlord') applied for an order requiring Clayton A Ayers (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

Biju Kumar Gurdita and Priyanka Gurdita (the 'Landlord') applied for an order requiring Clayton A Ayers (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.

Biju Kumar Gurdita and Priyanka Gurdita (the 'Landlord') applied for an order requiring Clayton A Ayers (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 January 13, 2026.

Only the 1st named Landlord attended the hearing.

As of 9:51 a.m., the Former Tenant 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 was adjourned on October 15, 2025, at 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. The Landlord admitted he did not serve the Tenants with any documents for this hearing date or the last hearing date in October.
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. Further, the Landlord did not demonstrate that any efforts were made to locate the Tenants, nor did they provide any explanation of any attempts.
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 October 2025, 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 30, 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.