



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

File Number: LTB-L-011697-25

In the matter of: Upper, 489 FOXCROFT BLVD
NEWMARKET ON L3X3L7

Between: Ying Gao Landlord

And

Hossain Harririan Former Tenant

Ying Gao (the 'Landlord') applied for an order requiring Hossain Harririan (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

Ying Gao (the 'Landlord') applied for an order requiring Hossain Harririan (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.

Ying Gao (the 'Landlord') applied for an order requiring Hossain Harririan (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 Landlord attended the hearing.

As of 11:56 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. The application appeared before the Board on August 19, 2025, and adjourned as there was not enough time in the docket to complete the matter.

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. There is no evidence that this notice was ever brought to the Tenants' attention.
5. Additionally, Rule 5.16 states:

" Pursuant to Rule 5.16, the LL is required to file proof of service at least 20 days prior to the hearing date."

6. The Landlord failed to upload, file, or provide any evidence that this notice of hearing was delivered within the required 20 days.
7. Further, the Landlord never filed a Certificate of Service – L10 Serving a Former Tenant or Tenant No Longer in Possession of the Rental Unit, neither for this hearing nor the passed two hearing.
8. 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 no evidence provided to show what steps had been taken to locate the missing two tenants.
9. Further, the Landlord did not demonstrate that any efforts were made to locate the Tenants, nor did they provide any explanation of any attempts.
10. 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 August 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.

April 2, 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.