



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

File Number: LTB-L-076766-25

In the matter of: 311W, 10 GATINEAU DR
THORNHILL ON L4J0L2

Between: Mohammad Hesamzadeh Landlord

And

Mohammad Reza Khaksarfard Former Tenant

Mohammad Hesamzadeh (the 'Landlord') applied for an order requiring Mohammad Reza Khaksarfard (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on March 5, 2026.

Only the Landlord attended the hearing.

As of 10:06am, 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 proper notice of a hearing is a fundamental aspect of procedural fairness. It would be unfair to make an order against someone who has not been given an opportunity to participate. Section 7 of the Statutory Powers Procedure Act requires that notice be provided before the Board can proceed without a party. Even though the Landlord's claims are important, they do not diminish the Former Tenant's right 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. The Landlord filed a certificate of service with the Board on September 12, 2025 indicating the Landlord had served a copy of the L10 application by email.
5. The notice of hearing was issued by the Board on October 24, 2025 and the Landlord stated he did not serve a copy of the notice of hearing to the Former Tenant.
6. With the totality of the uncontested evidence and submissions before me I am not satisfied that the Landlord has served the Former Tenant with a copy of the notice of hearing.
7. In accordance with Rule 5.17 the Landlord's application is dismissed because the Former Tenant was not served with the notice of hearing.
8. This order contains all reasons for the determinations and order made. No further reasons will be issued.
9. 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 15, 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.