



Order under Section 87 Residential Tenancies Act, 2006

File Number: LTB-L-090549-25

In the matter of: Lower Unit - 2, 26 ALBERT ST
GEORGETOWN ON L7G2B1

Between: Ruth R Reid Landlord
Stephen Reid

And

Patrick Marchand Former Tenant

Ruth R Reid and Stephen Reid (the 'Landlord') applied for an order requiring Patrick Marchand (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 10:14am 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 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 landlords encounter in attempting to locate the former tenants the Landlord led with insufficient evidence to show that, since filing the application, the Landlord has exhausted all reasonable methods, other than email, at their disposal to

locate the Former Tenant.

4. The Landlord filed an L10 certificate of service with the Board on January 14, 2026 indicating the Landlord served copies of the application and the notice of hearing by email on January 14, 2026.
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. The Landlord stated that they have exchanged text messages with the Former Tenant around October 2025, however the Landlord led with insufficient evidence the Landlord has authorization to serve the Former Tenant notices and documents by email.
7. Even if the Landlord did have authorization to serve documents by email, I am not satisfied that the Landlord meets the second requirement. There is insufficient evidence to support that the document actually came to the Former Tenant's attention. 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. 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.
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.

April 10, 2026
Date Issued

Greg Brocanier
Member, Landlord and Tenant Board

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