



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

File Number: LTB-L-042574-25

In the matter of: #1, 791 ARDEN CRT
OSHAWA ON L1G1X8

Between: BILLAL QAZI Landlord

And

DIANA LOVE Former Tenant
PATRICK K ST. LOUIS

BILLAL QAZI (the 'Landlord') applied for an order requiring DIANA LOVE and PATRICK K ST. LOUIS (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

BILLAL QAZI (the 'Landlord') applied for an order requiring DIANA LOVE and PATRICK K ST. LOUIS (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.

This application was heard by videoconference on March 18, 2026.

The Landlord's legal representative Rizna Rishafy and the Landlord attended the hearing.

As of 9:57am, 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 landlords in locating the former tenants, that does not override the Former Tenant's entitlement to procedural fairness.

3. 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.
4. 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.
5. 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. 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.
6. Service of documents by email is only one of several methods available to the Landlord 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.
7. 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.
8. In accordance with Rule 5.17 the Landlord's application is dismissed because the Former Tenant was not served with the notice of hearing.
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 14, 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.