



**Order under Section 89
Residential Tenancies Act, 2006**

File Number: LTB-L-040261-25

In the matter of: 2109, 22 JOHN ST
YORK ON M9N0B1

Between: MPCT DIF DAM WEST22 INC Landlord

And

Nazare Walters Former Tenant
Daleford Walters

MPCT DIF DAM WEST22 INC (the 'Landlord') applied for an order requiring Nazare Walters and Daleford Walters (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 March 24, 2026.

Only the Landlord's legal representative, Sam Ursino attended the hearing.

As of 9:13am, 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 notice of hearing in accordance with the *Residential Tenancies Act, 2006* ('the Act') or the LTB's Rules of Procedure ('the Rules'). The application is therefore dismissed.
2. Board records indicate the Landlord filed the application on May 15, 2025.
3. The Board issued an endorsement on December 11, 2025 instructing the Landlord to serve a copy of the application and the notice of hearing to the Former Tenant by February 22, 2026 and file a certificate of service on or before March 4, 2026.
4. The Landlord did not comply with the endorsement service deadline.

5. On March 19, 2026 the Landlord's legal representative requested an extension of time citing the Landlord has made several attempts by hiring several tracing companies between December 2024 and January 2026. The January 2026 tracing resulted in the Landlord believing they located the residential complex the Former Tenant resided in but was unable to specify the exact rental unit.
6. On March 19, 2026 the Landlord's legal representative requested to reschedule the hearing citing more time is needed to find the Former Tenants.
7. The Landlord's legal representative's request to reschedule was reviewed by the Board and denied.
8. The Landlord's legal representative's request to extend time to serve the Former Tenant the documents was deferred to the hearing member to:

"...determine whether there is a reasonable expectation of success for this matter."

9. At the hearing the Landlord's legal representative submitted the Board consider the following:
 - a. Extending the time citing the Board's Rules 16.1 and section 190 of the *Residential Tenancies Act*, 2006 (the "Act") allowing the Board to extend time;
 - b. Section 202 of the Act, Powers of the Board, allows for a member to ascertain the good faith of the participants;
 - c. Section 183 in allowing the Landlord an adequate opportunity to be heard and present the merits of the application; and
 - d. Section 21 of the SPPA, allowing the member to adjourn a hearing where the member is satisfied that an adjournment will permit an adequate hearing to be held.
10. The Landlord's legal representative submits the Former Tenants are evading their responsibility in updating their information on such documents like drivers license preventing the Landlord from being able to locate the Former Tenants.
11. The Landlord's legal representative stated the Board has a responsibility to afford parties an opportunity for a procedurally fair hearing to allow the merits of the Landlord's application to be heard.
12. The Landlord's legal representative stated there is no prejudice to the Former Tenant in adjourning based on the Board's consideration of the above mentioned sections in the Act, the SPPA and the Board Rules, however the Landlord is prejudiced by dismissing the application as the Landlord would be time statute barred from filing another application within one year after the Former Tenant vacated.
13. The decision of the Div Crt: *Solomon v. Levy*, 2015 ONSC 2556 that relied on s. 183 of the RTA concluded "the Board member must take into account the public interest in resolving a case as soon as possible. The key question becomes how to balance the rights of the parties to ensure that matters are resolved quickly while not adversely affecting their respective rights to a fair hearing."

14. Div Crt found no denial of procedural fairness due to LTB's refusal to grant adjournment.
15. The Courts recognize section 183 of the Residential Tenancies Act, 2006 (the "Act") that means the Board is required to consider the public interest in moving applications through the Board in an expeditious manner
16. It is the expectation of the courts that refusal of an adjournment request is reasonable where the Member is satisfied that the party has received sufficient notice of the hearing and has been provided with an adequate opportunity to prepare their evidence and submissions, summons witnesses and obtain counsel, ahead of the hearing date, an adjournment is not usually granted unless there are exceptional circumstances.
17. In the case before me I find it reasonable to apply the same expectations of the courts to L10 applications, where a landlord is required to locate former tenants and properly serve the Former Tenants in accordance with the Act and the Board Rules and whether the Landlord has had sufficient time to do so.
18. I acknowledge the challenge landlords face in attempting to locate former tenants and in the case before me I considered the effort and costs the Landlord has incurred in attempting to locate the Former Tenants since December 2024. I also considered the unsuccessful results of the Landlord's efforts and costs as of the day of the hearing.
19. Although the Landlord's legal representative stated the Landlord believes he is close to locating the Former Tenants I am not persuaded that an adjournment would meaningfully improve the likelihood of finding the Former Tenant given the significant time that has passed since the Landlord first attempted to locate the Former Tenants in December 2024.
20. The Landlord's request for an adjournment is denied. The Landlord was put on notice when the Board issued the endorsement and provided the Landlord with a final opportunity to locate and serve the Former Tenants and I see no exceptional circumstances that would force me to consider granting the Landlord's legal representative's request to extend time for service.
21. Given the Landlord's failure to comply with the endorsement and for all the reasons above I find it reasonable to dismiss the application as the Landlord has been unsuccessful in locating the Former Tenant to serve the application and notice of hearing in accordance with the Board Rules 5.17.
22. 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 13, 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.