



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

File Number: LTB-L-041948-25

In the matter of: 701-B, 50 GERRARD ST E
TORONTO ON M5B1J6

Between: Brittany Penstone Landlord

And

Sylis Leonard Former Tenant

Brittany Penstone (the 'Landlord') applied for an order requiring Sylis Leonard (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

Brittany Penstone (the 'Landlord') applied for an order requiring Sylis Leonard (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 26, 2026.

The Landlord attended the hearing.

As of 10:10am, the Former Tenant was not present or represented at the hearing.

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 with the Board on May 22, 2025. The Landlord submitted a certificate of service for service of the application on October 24, 2025.
3. The Board sent the notice of hearing to the Landlord on October 24, 2025 however the Landlord failed to serve a copy of the notice of hearing to the Former Tenant.
4. The Board issued an endorsement on December 11, 2025 directing the Landlord to serve a copy of the notice of hearing to the Former Tenant by February 24, 2026 and file a certificate of service for the notice of hearing with the Board by March 6, 2026.

5. The Landlord did not comply with the member endorsement.
6. 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.
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.

It is ordered that:

1. The Landlord's application is dismissed.

April 23, 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.