



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

File Number: LTB-L-046202-25

In the matter of: 14, 626 INDIAN RD N
SARNIA ON N7T7G8

Between: Regent Properties Inc. Landlord

and

Todd Verdun Former Tenants
Nicole Crocker

Regent Properties Inc. (the 'Landlord') applied for an order requiring Todd Verdun and Nicole Crocker (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owes.

Regent Properties Inc. (the 'Landlord') applied for an order requiring Todd Verdun and Nicole Crocker (the 'Former Tenants') 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 Tenants, another occupant of the rental unit or someone the Former Tenants permitted in the residential complex.

This application was heard by videoconference on April 14, 2026.

Only the Landlord's agent, Jennifer Grant, attended the hearing.

As of 10:45 a.m., the Former Tenants were 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:

Preliminary issue - Service

1. The Former Tenants vacated the rental unit on September 23, 2024, and the application was filed within one year after the Former Tenants ceased to be in possession of the rental unit. However, I am not satisfied that the Landlord served the Former Tenants with the application and Notice of Hearing using a method permitted in subsection 191(1.0.1) of the *Residential Tenancies Act, 2006* (the 'Act') and Rule 3.3 of the Board's Rules of Procedure, I say this because section 189.0.1 of the Act and Rule 5.8 require a Landlord to

serve a former Tenant with a copy of the L10 application and the notice of hearing at least 30 days in advance of a hearing. Further, Rule 3.3(c) states:

“In addition to methods of service identified in the RTA a document may be served on a tenant or former tenant no longer in possession of a rental unit, by (c) by email if:

- i) during the tenancy the tenant or former tenant had consented in writing to service by email; and
 - ii) if it can be proven that the contents actually came to the attention of the tenant or former tenant.”
2. In this case, the Landlord elected to serve by email. While I accept the Landlord’s evidence that the Application was served by email on the Former Tenant, Todd Verdun, on June 5, 2025 and opened by him, I am not satisfied that during the tenancy the former tenant had consented in writing to service by email.
 3. The Landlord’s agent referred me to the lease agreement; she acknowledged that the Former Tenants had not consented in writing to service by email. She also acknowledged that the Application and notice of hearing was never delivered to second Former Tenant, Nicole Crocker, because the Landlord did not have her email address.
 4. The Landlord’s agent also did not serve the notice of hearing; she relied on the Board’s email to the parties with the notice of hearing. Section 189.0.1 of the Act requires the Landlord to serve the Former Tenants with the notice of hearing.
 5. Based on the evidence before me, I do not find an adjournment appropriate because the Landlord’s agent confirmed that the likelihood of locating the Former Tenants’ current addresses for service are slim. Therefore, the Landlords’ application is dismissed as I am not satisfied that the Landlords served the L10 Application and the Notice of Hearing on the Former Tenant at least 30 days before the hearing as required by the Act.

It is ordered that:

1. The Landlord’s application is dismissed.

April 23, 2026
Date Issued

Adeela Alvez
Member, Landlord and Tenants 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.