



Order under Section 87 Residential Tenancies Act, 2006

File Number: LTB-L-089588-25

In the matter of: 171A BALMORAL AVE
TORONTO ON M4V1J8

Between: Sally Bhagwandin Landlord

And

Jason Trainor Former Tenant
Kelly Trainor

Sally Bhagwandin (the 'Landlord') applied for an order requiring Jason Trainor and Kelly Trainor (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on March 30, 2026.

Only the Landlord's Agent Alex Duenas-Botelho attended the hearing.

Determinations:

1. I am not satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing at least 30 days before the hearing in accordance with Rule 3.3 of the LTB's Rules of Procedure.
2. I am not satisfied that the Landlord served the Former Tenant 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 LTB's Rules of Procedure.
3. At the hearing the Landlord's Agent requested an adjournment. He testified that he missed the deadline to request alternate service due to internal restructuring within the Landlord's organisation. He testified that he tried to serve the Tenant via email but was unable to demonstrate that the Application and notice of hearing came to the Tenant's attention.
4. The Landlord's Agent currently has no concrete plan to serve the Tenant and would have to speak to upper management in order to determine next steps.
5. I am not satisfied that an adjournment is appropriate. Instead, the Application shall be dismissed.

6. Interpretation Guideline 1 states:

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.

The specific factors the Member may consider in deciding whether to grant an adjournment include:

1. the reason for the adjournment and position of the parties;
2. the issues in the application;
3. any prejudice that may result from granting or denying the request;
4. the history of the proceeding including other adjournments or rescheduling;
5. the LTB's obligation to adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter.

The Member may consider the conduct of the party opposing the adjournment. For example, if the party opposing the request has shown bad faith or refused to provide information about their case to the other party which would allow them to prepare quickly for the hearing, this may affect the Member's decision.

7. While this guideline is not binding on me, I find no reason to deviate from it here. I am satisfied that the Landlord has had adequate time to locate and serve the Tenant in accordance with the Act and the rules, the Tenant vacated the rental unit on February 28, 2025, and the Landlord's L10 was filed on October 24, 2025. I am satisfied that this is adequate time for the Landlord to determine if they can locate and serve the Tenant so that the Application may proceed. I also note that the Board has a duty to be expeditious, and I am not satisfied that it represents an expeditious use of the Board's time to adjourn this Application to allow the Landlord to serve the Tenant, when they do not have a concrete plan for doing so.
8. Therefore, as the Landlord has not served the L10 and Notice of hearing on the Tenant in accordance with the Act and the rules, the Landlord's Application shall be dismissed.

It is ordered that:

1. The Landlord's Application is dismissed.

April 30, 2026
Date Issued

Reid Jackson
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.