



Order under Section 87 Residential Tenancies Act, 2006

File Number: LTB-L-086961-25

In the matter of: BASEMENT, 4 SOLSTICE STREET
BRAMPTON ON L6P3T5

Between: GARY THOMPSON Landlord

And

KARL HAMILTON Former Tenant

GARY THOMPSON (the 'Landlord') applied for an order requiring KARL HAMILTON (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

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

Only the Landlord attended the hearing.

Determinations:

1. 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.
2. These documents were served on February 21, 2026 by email. However, the Landlord was not able to demonstrate that the email came to the attention of the former Tenant.
3. Rule 3.3 of the Board's Rules of Procedure 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:

a. leaving it at the place where mail is ordinarily delivered to the person, sliding it under the door or putting it through a mail slot in the door of the tenant or former tenant's residence;

b. sending the document(s) by courier to the address where the tenant or former tenant resides; or

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. (emphasis added)

4. The matter was stood down to allow the Landlord time to search his records and determine if he could demonstrate that the email containing the Application and Notice of Hearing came to the attention of the Tenant, for example by way of an email in response or a read receipt. However, the Landlord was unable to provide proof that the email came to the attention of the former.
5. The Former Tenant vacated the rental unit on August 16, 2025. Therefore, the Landlord is still within the limitation period to refile the L10. Therefore, instead of adjourning the matter to allow the Landlord a second opportunity to serve the Tenant the Application shall be dismissed. Should the Landlord be able to locate the Tenant and serve them in accordance with the Act and the rules they are still within the limitation period to file another L10 with respect to the tenancy.
6. Therefore, the Landlord's application shall be dismissed.

It is ordered that:

1. The Landlord's Application is dismissed.

May 4, 2026
Date Issued

Reid Jackson
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.