



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-084455-25

In the matter of: Basement, 3362 Delfi Road
Mississauga ON L5L1S2

Between: Kyra Defreitas-Barnes Tenant

And

Claudette Ferguson Landlord

Kyra Defreitas-Barnes (the 'Tenant') applied for an order determining that Claudette Ferguson (the 'Landlord'):

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was heard by videoconference on March 16, 2026.

Only the Tenant Kyra Defreitas-Barnes attended the hearing.

As of 1:18 pm, the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenant's evidence.

Determinations:

1. The Tenant filed the T2 application on September 29, 2025.
2. On October 10, 2025, the Board issued an Order to Serve requiring the Tenant to serve the Landlord with the Notice of Hearing in accordance with that order.
3. The Board's file contains no Certificate of Service establishing that the Tenant served the Landlord after the Order to Serve was issued.
4. At the hearing, the Tenant confirmed that they received the Notice of Hearing from the Board together with the instructions requiring service on the Landlord, but acknowledged that they did not serve the Landlord with the Notice of Hearing as ordered.

5. The Landlord did not attend the hearing. On the evidence before the Board, I am not satisfied that the Landlord was served with the Notice of Hearing in accordance with the Board's Order to Serve.
6. Because the Tenant failed to serve the Landlord as required, the Landlord did not receive proper notice of the hearing. In the circumstances, the application cannot proceed.

It is ordered that:

1. The Tenant's application is dismissed.

May 6, 2026
Date Issued

Kyle Anderson
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.