



Order under Sections 30 & 89 of the Residential Tenancies Act, 2006

File Numbers: LTB-T-064401-23-HR & LTB-L-088952-24-HR

In the matter of: 4, 32 Heathrow Drive
North York, ON M3M1W9

Between: Chi Thanh Le Tenant / Former Tenant

and

Floriri Village Investments Inc. Landlord

HEARING ORDER

Procedural History of Applications

On August 16, 2023, Chi Thanh Le (the 'Tenant') applied in a T6 application (LTB-T-064401-23) seeking an order that Floriri Village Investments Inc. (the 'Landlord') did not provide and maintain the residential complex including the rental unit, in a good state of repair and fit for habitation, or did not comply with health, safety, housing and maintenance standards.

The Tenant vacated the rental unit on March 8, 2024.

An adjudicative case conference (ACC) was held on October 28, 2024 but the T6 application did not resolve, so the matter was directed to a hearing.

On October 30, 2024, the Landlord applied in a L10 application seeking an order that the former Tenant or someone visiting or living in the rental unit, willfully or negligently caused damage to the rental unit or residential complex; and that the former Tenant pay the reasonable costs necessary to repair or replace the damaged property.

The L10 application was scheduled to be heard September 24, 2025 but was adjourned on consent to combine it with the T6 application.

The combined applications were heard by videoconference on April 23, 2026. The former Tenant attended. The Landlord's agents Bertha and John Aiello (directors) attended on behalf of the Landlord with their legal representative Allistair Trent (paralegal).

Determinations:

L10 – Preliminary Issue: Lack of Service

1. I raised a preliminary issue with respect to service of the L10 application.
2. Section 189.0.1 of the *Residential Tenancies Act, 2006* (the ‘Act’) and Rule 5.8 of the LTB’s *Rules of Procedure* 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 the hearing. Section 191(1) of the Act provides the acceptable methods a landlord may serve a former tenant with these materials. Section 191(1.0.1) allows a document or notice to be sufficiently given in certain circumstances. Section 189.0.1(3) requires the applicant to file with the Board a certificate of service on the tenant or former tenant in the form approved by the Board.
3. Rule 3.3(c) provides that in addition to the methods of service identified in the Act, a document may be served on a tenant or former tenant no longer in possession of the rental unit by email if: *(1) during the tenancy the Tenants or former Tenants had consented in writing to service by email; and (2) if it can be proven that the contents actually came to the attention of the Tenants or former Tenants.*
4. The Landlord’s agents and their legal representative failed to provide any evidence that the former Tenant had provided any prior written consent to service by email.
5. The Landlord’s agents and their legal representative did not have any certificate of service on the form approved by the Board.
6. The former Tenant explicitly denied consent to service by email. The former Tenant testified that no prior written consent had ever been provided to serve documents to them in this manner.
7. The Landlords submitted that DOC-6461069 (which they called: *Email from Thanh Le acknowledging L10*) proved the former Tenant knew about the L10. I note that the Act does not require a former Tenant “know about” the L10. It requires very specific tasks including the actual L10 application being served, and the notice of hearing for the L10 application, and a certificate of service on the Board approved form.
8. The email in question dated January 22, 2025 does not prove what the Landlord purports it shows. Rather than demonstrating that the former Tenant was served with the documents required by the Act, this email shows the Tenant’s agent explicitly rejected email as a viable method of service. The email mentions a “L10 hearing” only in the context of looking forward to addressing any issues at an L10 hearing, if one is scheduled.
9. On a L10 application, the applicant/Landlord has the responsibility per the Act and Rules, to serve the former Tenant with various documents, and to complete a certificate of service on the approved Board form. Since neither of these pre-requisites were done, it was not procedurally fair to adjudicate the L10 application. As a result, I dismissed the L10 application.

T6 Application Withdrawn

10. In light of the dismissal of the L10 application, the former Tenant advised that this proceeding has gone on long enough, he is currently in another country, and he would really just like the whole thing to be over. The former Tenant requested that the T6 application be withdrawn, and I consented to the request.

It is ordered that:

11. The L10 application is dismissed for lack of proper service.
12. The T6 application is withdrawn and the Board's files are now closed.

May 19, 2026
Date Issued

Michelle Tan
Vice Chair, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.