



**Order under Section 87 / 88.2 / 89
Residential Tenancies Act, 2006**

File Number: LTB-L-098677-24

In the matter of: 316 THAMES ST NORTH
INGERSOLL ON N5C3E5

Between: Daniel Michael Thomas Nagle Landlord

And

Jennifer Shorthouse Former Tenant

Daniel Michael Thomas Nagle (the 'Landlord') applied for an order requiring Jennifer Shorthouse (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

Daniel Michael Thomas Nagle (the 'Landlord') applied for an order requiring Jennifer Shorthouse (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

Daniel Michael Thomas Nagle (the 'Landlord') applied for an order requiring Jennifer Shorthouse (the 'Former Tenant') 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 Tenant, another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

This application was heard by videoconference on May 4, 2026.

Only the Landlord attended the hearing.

At the time of the hearing the Former Tenant was not present or represented.

Determinations:

1. I am not satisfied that the Landlord served the Former Tenant with the application and notice of hearing in accordance with the Residential Tenancies Act, 2006 ('the Act') or the LTB's Rules of Procedure ('the Rules').
2. This application was previously heard on October 1, 2025. At the hearing the Landlord requested an adjournment as the Former Tenant was not served by the Landlord with the application or the notice of hearing.

3. Board records indicate the Landlord filed a request for alternative service on October 3, 2025.
4. On October 7, 2025 a member endorsement was issued to the Landlord granting service by email. The member's notes state:

The Landlord is permitted to serve the Former Tenant by email at jenntam04@gmail.com. The **Landlord will be expected to prove service** at the hearing of the L10 application.

[emphasis added]

5. The Rules establish different service requirements for use of email if tenants are in possession or no longer in possession of a rental unit. Rule 3.3 of the Rules establishes that document may be served on a tenant no longer in possession of a rental unit by email if:
 1. during the tenancy the tenant or former tenant 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 tenant or former tenant.
6. Providing a party with notice that a hearing is taking place is a central component of procedural fairness. It is manifestly unfair to make an order against a party without giving the party an opportunity to participate in the proceeding. Section 7 of the Statutory Powers Procedure Act establishes that a condition precedent to the Board's authority to run hearings in the absence of a responding party is that notice of the hearing has been given. While the Landlord's claims are important and I am sympathetic to the difficulties faced by the Landlord in locating the Former Tenant, that does not override the Former Tenant's entitlement to procedural fairness.
7. I am satisfied that the Landlord meets the first requirement for service by email as granted by the Board, however, I am not satisfied that the Landlord meets the second requirement.
8. There is insufficient evidence to support that the document actually came to the Former Tenant's attention. The Landlord led with insufficient evidence indicating the Former Tenant had received the email.
9. Significant time has passed since there is proof of the Tenant using the email. I am not satisfied that because the email did not bounce back that is sufficient to prove that it came to the Tenant's attention.
10. The Landlord requested an adjournment to allow the Landlord a second chance at locating the Former Tenant and serving the documents.
11. The Landlord's application was filed on December 1, 2024, and considering the significant time already available to the Landlord to attempt to locate the Former Tenant, I am not persuaded that an adjournment would meaningfully improve the likelihood of the Landlord locating the Former Tenant.

12. In accordance with Rule 5.17 the Landlord's application is dismissed because the Former Tenant was not served with the notice of hearing.
13. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The Landlord's application is dismissed.

May 21, 2026
Date Issued

Greg Brocanier
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.