



**Order under Section 87 / 88.1
Residential Tenancies Act, 2006**

File Number: LTB-L-025871-24

In the matter of: 315 GEORGE ST
SARNIA ON N7T4P3

Between: DMA Financial LTD. Landlord

And

Haley Dempsey Former Tenant
Chad Lindsay

DMA Financial LTD. (the 'Landlord') applied for an order requiring Haley Dempsey and Chad Lindsay (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

DMA Financial LTD. (the 'Landlord') applied for an order requiring Haley Dempsey and Chad Lindsay (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenant's conduct or that of another occupant of the rental unit or someone the Former Tenant permitted in the residential complex. This conduct substantially interfered with the Landlord's reasonable enjoyment of the residential complex or another lawful right, privilege or interest.

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

Only the Landlord agent, Marcela Marsy attended the hearing.

The Former Tenant was not present or represented at the hearing.

Determinations:

1. I am not satisfied that the Landlord served the Former Tenant with the notice of hearing in accordance with the *Residential Tenancies Act, 2006* ('the Act') or the LTB's Rules of Procedure ('the Rules'). The application is therefore dismissed.
2. Prior hearings were held on February 26, 2025 and December 23, 2025.
3. The February 26, 2025 hearing was adjourned at the request of the Landlord in order to perfect the application and provide proper disclosure on the Former Tenant.

4. The December 23, 2025 hearing was adjourned at the request of the Landlord as proper service was not provided by the Landlord. Adjournment notes from the member indicate the Landlord accessed the portal and saw the Board had sent the file package to the Former Tenant at the address the Landlord provided in the application, however the mail package was returned as undelivered.
5. The member granted an adjournment to allow the Landlord to serve the documents to the Former Tenant for the next hearing.
6. On the day of this hearing the Landlord had not amended the application or served a copy of the notice of hearing on the Former Tenant.
7. This is the third hearing, for the Landlord's L10 application.
8. Providing proper notice of a hearing is a fundamental aspect of procedural fairness. It would be unfair to make an order against someone who has not been given an opportunity to participate. Section 7 of the Statutory Powers Procedure Act requires that notice be provided before the Board can proceed without a party. Even though the Landlord's claims are important, they do not diminish the Former Tenant's right to procedural fairness.
9. Given the Landlord has been afforded two prior adjournments to properly serve the Former Tenant and has failed to do so I find it reasonable to dismiss the Landlord's application with no further consideration of an adjournment.
10. Section 183 of the RTA directs the Board 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 to be heard on the matter."
11. The Board does not generally grant multiple adjournments to allow landlords the opportunity to continue the application where the party has been afforded ample time to meet the requirements for service and has failed to do so.
12. For all the reasons above the Landlord's application is dismissed in accordance with Rule 5.17 because the Former Tenant was not served with the notice of hearing.

It is ordered that:

1. The Landlord's application is dismissed.

May 25, 2026

Date Issued

Greg Brocanier

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.