



**Order under Section 87 / 88.2 / 89 / 88.1
Residential Tenancies Act, 2006**

Citation: dsgpa v Duquette, 2026 ONLTB 37263

Date: 2026-05-26

File Number: LTB-L-009853-25

In the matter of: L2A3B8, 1249 PHILLIPS ST
Niagara Falls ON L2G6K4

Between: Paul dsgpa Landlord

And

April Duquette Former Tenants
Jess Duquette

Paul dsgpa (the 'Landlord') applied for an order requiring April Duquette and Jess Duquette (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe.

The Landlord applied for an order requiring the Former Tenants to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenants' conduct or that of another occupant of the rental unit or someone the Former Tenants 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.

The Landlord applied for an order requiring the Former Tenants to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenants' failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

The Landlord applied for an order requiring the Former Tenants 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 Tenants, another occupant of the rental unit or someone the Former Tenants permitted in the residential complex.

This application was heard by videoconference on May 5, 2026.

Only the Landlord and their co-landlord, Kristina Kravjansky, attended the hearing.

As of 10:28 a.m. the Former Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Landlord. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence

Determinations:

1. This matter was scheduled on August 14, 2025 and January 6, 2026 and was adjourned on both occasions for the Landlord to complete service in accordance with the Rules.
2. I am not satisfied that the Landlord served the Former Tenants with the application and Notice of Hearing at least 30 days before the hearing in accordance with Rule 3.3 of the LTB's Rules of Procedure 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.
3. Rule 3.3 of the Rules of Procedure requires the Landlord to prove that documents served by email actually came to the attention of the Former Tenants. The Landlord was directed to provide a declaration stating why they believe the emailed documents came to the attention of the Former Tenants.
4. The Landlord submitted screenshots confirming that they emailed the L10 and the Notice of the Hearing to the Former Tenants. However, the Landlord did not provide a declaration or any documentation to indicate why they believe the email came to the attention of the Former Tenants.
5. As this matter has already been adjourned twice to allow the Landlord to complete service in accordance with the Rules, a third adjournment would not be appropriate.
6. As the Application and Notice of Hearing were not served in accordance with the Rules and the Former Tenants were not present, the application must be dismissed.

It is ordered that:

1. The application is dismissed.

May 26, 2026
Date Issued

Dawn Carr
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.