



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

Citation: WT Land LP v Cole, 2026 ONLTB 41491

Date: 2026-06-01

File Number: LTB-L-029422-25

In the matter of: 301, 391 MAIN STREET NORTH
MOUNT FOREST ON N0G2L1

Between: WT Land LP Landlord

And

Alex Cole Former Tenants
Elizabeth Hintzsche

WT Land LP (the 'Landlord') applied for an order requiring Alex Cole and Elizabeth Hintzsche (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owes.

WT Land LP (the 'Landlord') applied for an order requiring Alex Cole and Elizabeth Hintzsche (the 'Former Tenants') to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenants's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

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

Only the Landlord's agent, Karlee Woodward, attended the hearing.

As of 11:25 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. 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.

2. 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. The Landlord provided no such declaration.
3. As the Application and Notice of Hearing were not served in accordance with the Rules and the Former Tenant was not present, the application must be dismissed.

It is ordered that:

1. The application is dismissed.

June 1, 2026
Date Issued

Dawn Carr
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.