



**Order under Section 89
Residential Tenancies Act, 2006**

File Number: LTB-L-013772-23

In the matter of: 2011, 763 BAY STREET
Toronto ON M5G2R3

Between: Yin Jin Landlord

And

Omar Hegazy Former Tenants
Sherif Hagazy

Yin Jin (the 'Landlord') applied for an order requiring Omar Hegazy and Sherif Hagazy (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 1, 2026. The Landlord, the Landlord's legal representative, Mihai Paunescu, the second named Tenant, the second named Tenant's legal representative, Lorinc Mucsi, and Michael Thiele attended the hearing.

Determinations:

1. As explained below, the Landlord did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. I am not satisfied that the Landlord served each of 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.
3. The Former Tenants vacated the rental unit on September 30, 2022.
4. It is not disputed that the Landlord has never served the first named Former Tenant ('O.H') with a copy of the application or Notice of Hearing. Michael Thiele attended on behalf of the Former Tenant. However, it was more akin to a friend of the tribunal.
5. This application came before me on October 7, 2024, at that time, the Landlord had not served O.H with a copy of the application and Notice of Hearing. The Landlord provided submissions that they believed their legal representative (at that time) may have made efforts to serve O.H. I provided the Landlord with the opportunity to supply a post hearing

submission to the Board with details surrounding the efforts to serve O.H with the paperwork, prior to the hearing on October 7, 2024. On January 7, 2025, the Board issued an endorsement reconvening the matter to address the service issue.

6. The matter came before me on May 1, 2026, whereby it was confirmed that the Landlord had still not served O.H with the required paperwork. At the minimum, the Landlord has had an email address for the Former Tenant. This is supported by the contact information the Landlord provided the Board when they filed a previous L2 application (LTB-L-016804-22- Filed March 24, 2022) that terminated the tenancy.
7. This application was filed December 2, 2022. The Landlord has not served each of the Former Tenants as required by the Act almost four years later. I am not convinced that the Landlord would have taken any different steps to serve the Former Tenant and so their application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

June 2, 2026
Date Issued

Curtis Begg
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