



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

File Number: LTB-L-061443-25

In the matter of: BASEMENT, 12 ALDEN SQUARE
AJAX ONTARIO L1T 4Z2

Between: Awais Aman
Nauman Aman

Landlords

and

Buston Ali Wahedi
Kareema Wahedi

Former Tenants

Awais Aman and Nauman Aman (the 'Landlords') applied for an order requiring Buston Ali Wahedi and Kareema Wahedi (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe.

This application was heard by videoconference on May 28, 2026.

Only the Landlords attended the hearing.

As of 10:27 a.m. the Former Tenants were not present or represented at the hearing.

Determinations:

1. As explained below, the Landlords have failed to properly serve the Former Tenants with the application and notice of hearing. Therefore, the Landlords' application is dismissed.
2. This matter was called at 9:38 a.m. The Landlords stated that he hired a skip tracing company and was successful in retrieving an address for the Tenants. I held the matter down for the Landlords to upload their evidence with respect to their efforts in locating the Tenants since the last hearing. After the matter was held down for the second time, at 10:27 a.m. I recalled the matter. The Landlords acknowledged that they only searched and located an address for Buston Ali Wahedi and not Kareema Wahedi. I asked the Landlords why they did not at least serve Buston Ali Wahedi in advance of the hearing given that they had an address. The Landlords requested an adjournment in order to properly locate the second Tenant and serve the first Tenant.
3. This hearing date was the second scheduled hearing date for this application. The previous hearing date had been adjourned as service had not been completed as required by section 189.0.1(2) and the matter was marked peremptory on the Landlords. Therefore,

based on the Landlords' submission, I am not satisfied that the Landlords served the Former Tenants with the application and notice of hearing in accordance with section 189.0.1(2) of the *Residential Tenancies Act, 2006* (the 'Act') which states in relation to applications against former Tenants no longer in possession of the rental unit that:

“(2) The applicant shall, within the time set out in the Rules, give the Tenants or former Tenants,

(a) a copy of the application; and

(b) a copy of any notice of hearing issued by the Board in respect of the application. 2020, c. 16, Sched. 4, s. 28.”

4. The service requirements for an L10 application are quite different than any other application. Specifically, it is the Landlords who must serve the Tenants with a copy of the L10 application rather than the Board. Further, the Tenants must have been served with a copy of the notice of hearing 30 days in advance of the hearing. This is contrasted with the other types of applications where the Board serves the parties with this information.
5. The L10 instructions and Certificate of Service are very clear that the Landlords is required to serve the Notice of Hearing to the Former Tenants. The L10 application refers the Landlords to the specific Certificate of Service and includes a hyperlink directly to that document. It also states that if a Certificate of Service is not uploaded to the Tribunals Ontario Portal ('TOP'), the LTB may cancel the hearing and close the file.
6. In this case, the Landlords had no evidence to demonstrate that the Former Tenants were aware of the hearing. Since the matter had already been adjourned on a prior date, and the Landlords were advised it was incumbent upon him to prove service at the next hearing date, I am not of the view it is appropriate to grant a further adjournment.

It is ordered that:

1. The Landlords' application is dismissed.

June 2, 2026
Date Issued

Adeela Alvez

Member, Landlords and Tenants 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.