



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

Citation: Asare-Quansah v Smith, 2026 ONLTB 44387

Date: 2026-06-10

File Number: LTB-L-022995-25

In the matter of: Basement, 3050 CABANO CRES
MISSISSAUGA ON L5M0C6

Between: Kate Asare-Quansah Landlord

And

Michelle Smith Former Tenant

Kate Asare-Quansah (the 'Landlord') applied for an order requiring Michelle Smith (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

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

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

This application was heard by videoconference on May 12, 2026.

Only the Landlord's legal representative Reginald Bent attended the hearing.

As of 10:20a.m., the Former Tenant was not present or represented at the hearing/

Determinations:

1. As explained below, the Landlord's application is dismissed.
2. This matter was previously scheduled at the LTB on October 22, 2025. On this date, the matter was adjourned at the Landlord's request for the Landlord to serve a copy of their evidence and their documents (notice of hearing and application) to the Former Tenant. The adjournment was marked peremptory on the Landlord. Afterwards another hearing

date was scheduled by the Board for January 12, 2026. On November 10, 2025, the Landlord served a copy of the L10 application and the notice of hearing at the Former Tenant's current residence for that hearing date. The Former Tenant attended the hearing date for January 12, 2026, but the matter was adjourned on this date by the Board due to scheduling overflow.

3. On February 5, 2026, the Board issued another notice of hearing to the Landlord for the hearing date scheduled for May 12, 2026. This notice of hearing reminded the Landlord that they needed to serve a copy of the notice of hearing and the application to the Former Tenant prior to scheduled hearing date. This Notice of hearing reads "*The Landlord must give each Respondent (Former Tenant) a copy of the application and this Notice of Hearing at least 30 days before the hearing. The LTB cannot do this.*"
4. At the hearing, the Landlord's legal representative confirmed that the documents were not served to the Former Tenant and claimed that he was not able to serve the documents other than what had been served to the Former Tenant back in November 2025. This means neither the Landlord nor the Landlord's legal representative served the Former Tenant with a copy of the notice of hearing/application after the Board issued a Notice of hearing to the Landlord in February 2026.
5. Based on the submissions of the Landlord's legal representative, I am not satisfied that the Landlord served the Former Tenant with a copy of the application and the notice of hearing at least 30 days before the hearing date in accordance with Rule 5.8 of the LTB's Rules of Procedure. The notice of hearing was issued to the Landlord in February 2026, and it clearly stated the Landlord was to serve the documents to the Former Tenant. The Landlord's legal representative did not provide sufficient evidence as to why he was unable to serve the Former Tenant or how they would be able to effect service. Accordingly, the Landlord's application is dismissed.
6. This order contains all the reasons for the decision within it and no further reasons will be issued.

It is ordered that:

1. The Landlord's application is dismissed.

June 10, 2026
Date Issued

Inderdeep Padma
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.