



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

File Number: LTB-L-007876-25

In the matter of: 4, 317 Duke Street West
Kitchener ON N2H3X9

Between: Peter Poydenko Landlord
Ashley Ordinario

And

Sulaiman Olajuwon Former Tenant
Samson Iroko

Peter Poydenko and Ashley Ordinario (the 'Landlord') applied for an order requiring Sulaiman Olajuwon and Samson Iroko (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on May 25, 2026.

Only the Landlord's Legal Representative, Glenn Gosling, attended the hearing.

As of 9:31 a.m., the Former Tenant was 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. At the beginning of the hearing, I raised the issue about whether the Landlord had served the L10 application and notice of hearing at least 30 days before the hearing in accordance with section of the *Residential Tenancies Act, 2006* (the 'Act') and Rule 5.8 of the LTB's Rules of Procedure.
2. The Landlord previously attended before the Board on July 31, 2025, and the presiding Member adjourned the application due to service being less than 30 days. The matter was again before a different Member on January 8, 2026 and was adjourned peremptory on the Landlord as they only served the Notice of Hearing on the Tenant 29 days prior to the hearing.
3. The Board sent the notice of hearing to the Landlord and their representative on February 11, 2026, and the Landlord did not serve the notice of hearing on the Tenant until May 13, 2026, which is less than 30 days before the hearing date.

4. The Landlord's Legal Representative stated they had miscalculated the service time. There was no reason or explanation provided as to why the Landlord was not able to serve the documents in accordance with the rules given that they received the notice of hearing 3 months prior to the hearing, and given that the matter had twice been adjourned due to service issues.
5. While I can appreciate that the Landlord's Legal Representative miscalculated the service time, this was similarly the issue noted in the adjournment sheet for the January 8, 2026 hearing adjournment. I find the adjournment sheet was clear that the Landlord knew about the service requirements at the previous hearing, and the Landlord ought to have known that he was required to serve the Tenant the new notice of hearing 30 days before the next scheduled hearing date, which the Landlord failed to do.
6. Rule 5.8 outlines that a landlord must serve the Notice of Hearing at least 30 days before the hearing date set in the Notice of Hearing. This was the third time the Landlord failed to meet the service requirement.
7. Therefore, I am not satisfied that the Landlord complied with the service requirements, and the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

June 10, 2026
Date Issued

Allana McComb
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.