



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

File Number: LTB-L-058903-24

In the matter of: 243 THE WESTWAY
ETOBICOKE ON M9R1E9

Between: sanjay soma Landlord
hema s Malla
Hema Sduah

And

JEVONN JOSEPH WALLACE Former Tenant

sanjay soma, hema s Malla and Hema Sduah (the 'Landlord') applied for an order requiring JEVONN JOSEPH WALLACE (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

sanjay soma, hema s Malla and Hema Sduah (the 'Landlord') applied for an order requiring JEVONN JOSEPH WALLACE (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.

This application was heard by videoconference on June 8, 2026.

The Landlord's legal representative Rodale Dwyer and the Landlord attended the hearing.

As of 10:40am, the Former Tenants were not present.

Determinations:

1. I am not satisfied that the Landlord served the Former Tenant with the application and notice of hearing in accordance with the Residential Tenancies Act, 2006 ('the Act') or the LTB's Rules of Procedure ('the Rules').
2. Providing a party with proper notice of a hearing is a fundamental aspect of procedural fairness. It would be unfair to make an order against someone who has not been given an opportunity to participate. Section 7 of the Statutory Powers Procedure Act requires that notice be provided before the Board can proceed without a party. Even though the Landlord's claims are important, they do not diminish the Former Tenant's right to procedural fairness.

3. While I acknowledge the difficulties landlords encounter in attempting to locate former tenants, the Landlord led with insufficient evidence to show that, since filing the application, the Landlord has exhausted all reasonable methods, other than email, at his disposal to locate the Former Tenant.
4. The Landlord filed the application with the Board on July 25, 2024 and a hearing was held on April 29, 2025. At the hearing the Landlord and the Former Tenant Jevonn Joseph Wallace's (JJV) legal representative, Nicole Richard attended the hearing.
5. The other Former Tenants, Demers Kyle William and Denne Lee Coberis were not in attendance at the April 29, 2025 hearing.
6. The Board member's adjournment sheet notes indicate the attending parties agreed to exchange documents and notices by email going forward.
7. The Landlord's legal representative filed a copy of an email that was sent from the Landlord to Tenant's legal representative on June 1, 2026 informing the JJV's legal representative of the hearing for July 8, 2026.
8. The Tenant's legal representative responds to clarify the notice of hearing indicates the hearing is June 8, 2026 and the Landlord has not provided the required 30 days notice.
9. The Landlord's legal representative stated she served Demers Kyle William and Denne Lee Coberis the notice of hearing and the application by email.
10. The Landlord's legal representative led with insufficient evidence of whether the Former Tenants Demers Kyle William and Denne Lee Coberis agreed to receive notices and documents by email and if the Former Tenant's had received the documents.
11. Even where the tenant has provided the landlord with written authorization to receive documents and notices by email or where the Board has granted authorization to use email, the *Residential Tenancies Act*, 2006 (the "Act") requires a Landlord to prove the Former Tenants were made aware of the documents.
12. Section 191(2) states:

 When notice deemed valid

 (2) A notice or document that is not given in accordance with this section shall be deemed to have been validly given if it is proven that its contents actually came to the attention of the person for whom it was intended within the required time period. 2006, c. 17, s. 191 (2).
13. The Rules establish different service requirements for use of email if tenants are in possession or no longer in possession of a rental unit. Rule 3.3 of the Rules establishes that document may be served on a tenant no longer in possession of a rental unit by email if:
 1. during the tenancy the tenant or former tenant had consented in writing to service by email; **and**
 2. if it can be proven that the contents actually came to the attention of the tenant or

former tenant.

14. This requirement is also indicated on the L10 certificate of service.
15. Although the Tenant's legal representative and the Landlord consented to service by email at the last hearing, I am not satisfied that the Landlord has met the 30 day advance notice for the hearing.
16. Further I am not satisfied that the Landlord has met the first requirement for service by email in the absence of any written authorization from Demers Kyle William and Denne Lee Coberis.
17. The Landlord's legal representative submits that because emails were not returned as undelivered, they should be considered served.
18. I disagree that a non-response should be deemed as a positive indication the Former Tenants have received the email and been made aware of its contents.
19. I am not satisfied that the Landlord meets the second requirement. There is insufficient evidence to support that the documents actually came to the Former Tenants' attention. The Landlord's legal representative stated the Former Tenants have not responded to any emails sent by the Landlord since vacating the rental unit although the Landlord's legal representative stated the Tenants have filed tenant applications using the same emails.
20. I am not satisfied that because the email did not bounce back that it is sufficient to prove that it came to the Tenant's attention.
21. The Landlord's legal representative requested an adjournment to afford the Landlord time to serve the Former Tenants and requested to combine the Tenant's applications with the Landlord's L10.
22. I do not find it reasonable to combine the Landlord's L10 application with the Former Tenant's application given the Landlord has had ample opportunity to make this request prior to the hearing.
23. The Board's Interpretation Guideline 1 on Adjournments provides guidance for Board members to consider when a party requests an adjournment to perfect their application or claim.
24. Where the Member is satisfied that the party has received sufficient notice of the hearing and has been provided with an adequate opportunity to prepare their evidence and submissions, summons witnesses and obtain counsel ahead of the hearing date, an adjournment is not usually granted unless there are exceptional circumstances.
25. The Landlord's legal representative stated that the Landlord should not have to incur costs like hiring skip tracing companies to find the Former Tenant's.
26. There are several approved methods of service under section 191(1.0.1) available to the Landlord and in my view the Landlord has only attempted to use email. I am not satisfied that the Landlord has performed his due diligence in exploring other options to locate the Former Tenants.

27. Sine the Landlord is relying solely on email as a method of service I find the Landlord has not met the requirement pursuant to section 191(2).
28. Given the Landlord filed the application on July 25, 2024 the Landlord has been afforded almost two years' time to locate and properly serve all of the Former Tenants as required under section 189.0.1 of the Act.
29. Considering the significant time already available to the Landlord to attempt to locate the Former Tenants, I am not persuaded that an adjournment would meaningfully improve the likelihood of finding the Former Tenants.
30. In accordance with Rule 5.17 the Landlord's application is dismissed because the Former Tenant was not served with the notice of hearing.
31. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The Landlord's application is dismissed.

June 16, 2026
Date Issued

Greg Brocanier
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.