



Order under Section 87 Residential Tenancies Act, 2006

File Number: LTB-L-029149-25

In the matter of: 107 RACE ST
CORNWALL ON K6H1G7

Between: Dean Sinnott Landlord
Holly Sinnott

And

Anthony Thomas Former Tenant
Josee Miller

Dean Sinnott and Holly Sinnott (the 'Landlord') applied for an order requiring Anthony Thomas and Josee Miller (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

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

Only the Landlord attended the hearing.

As of 11:03am the Former Tenants were not present or represented at the hearing.

Determinations:

1. I am not satisfied that the Landlord served the Former Tenants with the notice of hearing in accordance with the *Residential Tenancies Act, 2006* ('the Act') or the LTB's Rules of Procedure ('the Rules'). The application is therefore dismissed.
2. Board records indicate the Landlord attended a hearing on December 1, 2025. At the hearing the Landlord stated he had not served both Former Tenants in accordance with the Act or the Board's Rules of Procedure. The Landlord requested an adjournment to allow time to properly serve the Former Tenants with the notice of hearing and the application prior to the next hearing.
3. The hearing member granted the adjournment. The member's notes in the adjournment sheet state:

"The Landlord was informed the Landlord's application may be dismissed by the next hearing member if another adjournment for service is requested."

4. Board records indicate the Landlord filed a request to use alternative service on March 17, 2026 to serve Josee Miller by email.
5. The Board member stated that if the Landlord's wished to serve the Former Tenants with their desired method of service the Landlord would be required to speak to proof of receipt of the documents by the Former Tenant.
6. The Landlord stated he served the notice of hearing to the Former Tenant Anthony Thomas by hand on May 22, 2026. The Landlord filed the certificate of service with the Board supporting his claim.
7. The Landlord stated he served the notice of hearing to the Former Tenant Josee Miller by email with authorization in the tenancy agreement.

Analysis

8. The Board's Rules of Procedure section 5.17 states:

Failure to Serve

5.17 Where a party fails to serve as ordered the LTB may:

- a. dismiss the application, motion or request

9. The Board's Rules of Procedure section 5.8 states:

A landlord's Application to Collect Money a Former Tenant Owes and the Notice of Hearing must be served **at least 30 days** before the hearing date set in the Notice of Hearing.

10. The Landlord's testimony and the filed certificate of service confirm the Landlord hand delivered the notice of hearing but did not meet the requirement to serve with at least 30 days.

11. Section 191(2) of the Act that 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).

[emphasis added]

12. I am not satisfied the Landlord had written authorization to serve the Former Tenant Josee Miller by email.

13. The Landlord led with insufficient evidence to support this claim.
14. Even if I have erred and the Landlord had authorization the Landlord failed to provide proof that the notice of hearing came to the attention of Josee Miller within the required time.
15. The Board's L10 certificate of service specifically indicates for the Landlord that proof of delivery is required and states:

You may use email if: 1. during the tenancy the former tenant(s) agreed in writing to receive documents by email; **and**

2. you can prove the former tenant(s) received the document(s).

16. With the totality of the Landlord's uncontested evidence and submissions before me I find the Landlord has not met the requirement to provide at least 30 days' notice of hearing to the Former Tenant Anthony Thomas. I also find the Landlord has led with insufficient evidence to prove his email for the notice of hearing to Josee Miller was received by her in the time required.
17. The Landlord requested an adjournment to allow time for him to hire a professional service to find Josee Miller.
18. The Landlord filed the application on April 8, 2025 and has had the benefit of being granted an adjournment at the December 1, 2025 hearing.
19. Considering the significant time already available to the Landlord to attempt to locate the Former Tenant, I am not persuaded that an adjournment would meaningfully improve the likelihood of finding the Former Tenant.
20. For all the reasons above, the Landlord's application is dismissed under section 5.17 for failure to serve.

It is ordered that:

1. The Landlord's application is dismissed.

June 19, 2026
Date Issued

Greg Brocanier
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.