



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

File Number: LTB-L-030019-25

In the matter of: 4803, 950 PORTAGE PARKWAY
VAUGHAN ON L4K0J7

Between: THAO DUC VU Landlord

And

FELICIA VALIQUETTE Former Tenant

THAO DUC VU (the 'Landlord') applied for an order requiring FELICIA VALIQUETTE (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

THAO DUC VU (the 'Landlord') applied for an order requiring FELICIA VALIQUETTE (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.

THAO DUC VU (the 'Landlord') applied for an order requiring FELICIA VALIQUETTE (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 June 8, 2026.

Only the Landlord attended the hearing.

As of 11:11am the Former Tenant was not present or represented at the hearing.

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 a proper notice of 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 the Landlord has encountered in attempting to locate the Former Tenant, 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. Board records indicate the Landlord filed the application on April 9, 2025.
5. The Landlord attended a hearing on December 1, 2025. At the hearing the Landlord requested an adjournment to allow time to properly serve the Former Tenant with the notice of hearing and application.
6. The member granted the adjournment and provided the following notes in the adjournment sheet:

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

7. 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.
8. The Landlord stated he has written authorization pursuant to the tenancy agreement that the Former Tenant agreed to receive notices and documents by email.
9. Although the Landlord led with insufficient evidence to support the claim the Former Tenant gave written authorization to allow the Landlord to serve the notice of hearing by email I am not satisfied that the Landlord meets the second requirement.
10. There is insufficient evidence to support that the documents actually came to the Former Tenant's attention. The Landlord was only able to provide evidence that the email to Former Tenant did not bounce back or return an undelivered error. I am not satisfied that because the email did not bounce back that is sufficient to prove that it came to the Tenant's attention.
11. 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.
12. The Landlord's application is dismissed in accordance with Rule 5.17 for failure to serve because the Former Tenant was not served with the notice of hearing.

13. 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 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.