



**Order under Section 89
Residential Tenancies Act, 2006**

File Number: LTB-L-040656-25

In the matter of: Unit 42, 240 MISSISSIPPI CRT
CARLETON PLACE ON K7C4R1

Between: Steven Hardy Landlord

And

Brianne Brunton Former Tenant
Liam McInnes

Steven Hardy (the 'Landlord') applied for an order requiring Brianne Brunton and Liam McInnes (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.

The Landlord and one of the Former Tenants Brianne Brunton attended the hearing.

As of 11:16am, the Former Tenant Liam McInnes 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 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 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. The Landlord's application was filed with the Board on May 17, 2026. A hearing was scheduled on March 18, 2026. I was the member at that hearing and the Landlord provided submissions he was relying on the Board to email the Former Tenants at the email addresses he provided in the application.
5. One of the Former Tenants, Brianne Brunton (BB) attended due to the notice of hearing sent by the Board to her email.
6. The other Former Tenant Liam McInnes (LM) did not attend the March 18, 2026 hearing.
7. BB stated she did not know the whereabouts of LM as they were no longer in communication.
8. The Landlord was granted an adjournment to allow time for service of documents on Liam McInnes.
9. At the adjournment I informed the Landlord the L10 responsibility for service of documents on former tenants fell on the Landlord and not the Board. This requirement is pursuant to section 189.0.1 of the *Residential Tenancies Act, 2006* (the "Act").
10. The Landlord was instructed to locate LM and serve a copy of the application to the Former Tenant in a method approved by the Board and file the L10 certificate of service on or before April 18, 2026.
11. These instructions were also provided in the adjournment sheet notes (DOC-7597341).
12. The Landlord filed the L10 certificate of service on April 29, 2026 after the April 18, 2026 deadline.
13. Further, the Landlord stated he emailed the application to the Former Tenant at an email address the Former Tenant had used to communicate to the Landlord during the hearing.

Analysis

14. 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.
15. The Landlord led with insufficient evidence to support a position the documents had come to the attention of LM.
16. Further I note that the Landlord failed to comply with my deadline for service of the application as instructed at the March 18, 2026 hearing as per my adjournment notes.

17. Even if I was satisfied that the Landlord had authorization to serve documents and notices to the Former Tenant, the Landlord must also prove the contents came to the attention of the Former Tenant in the required time.
18. I am not satisfied that the Landlord meets the second requirement and led with insufficient evidence to prove that the documents actually came to LM's attention. The Landlord did not produce a read receipt or provide evidence LM responded to the Landlord's email.
19. 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 and he read the email and the contents.
20. 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.
21. Adjourning the matter for a second time for the same reason would not be consistent with the Board's obligation to run expeditious proceedings.
22. Given that the Landlord failed to comply with my deadline for serving LM the application and filing the L10 certificate of service by April 18, 2026, and in accordance with Rule 5.17 the Landlord's application is dismissed because the Former Tenant was not served with the notice of hearing.
23. 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 24, 2026
Date Issued

Greg Brocanier
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.