



Order under Section 87 Residential Tenancies Act, 2006

Citation: YOUNGSAM-COLEY v SANTIAGO, 2026 ONLTB 44439

Date: 2026-06-26

File Number: LTB-L-039559-25

In the matter of: 8627 CHICKORY TRAIL
NIAGARA FALLS ON L2H3S5

Between: CARLETTA YOUNGSAM-COLEY
GREGORY COLEY
Landlords

And

JOSE ARMANDO HERNANDEZ SANTIAGO
KEREN CRUZ-LOPEZ
JAIRO GAMALIEL CRUZ-LOPEZ
Former Tenants

CARLETTA YOUNGSAM-COLEY and GREGORY COLEY (the 'Landlords') applied for an order requiring JOSE ARMANDO HERNANDEZ SANTIAGO, KEREN CRUZ-LOPEZ and JAIRO GAMALIEL CRUZ-LOPEZ (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe.

This application was heard by videoconference on May 12, 2026.

Only the Landlords' legal representative Christopher Williams attended the hearing.

As of 10:29 a.m. the Former Tenants were not present or represented at the hearing.

Determinations:

1. As explained below, the Landlords' application is dismissed.
2. The Former Tenants vacated the rental unit on May 15, 2024.
3. This matter was previously scheduled at the LTB on January 27, 2026. On this date, the matter was adjourned at the Landlords' request for the Landlords to serve a copy of their L10 application along with the new Notice of Hearing ("the documents") to the Former Tenants. The adjournment was marked peremptory on the Landlords.
4. On March 3, 2026, the Landlords' legal representative submitted a request for alternative service to serve a copy of the L10 application and Notice of Hearing to the Former Tenants via email. On March 5, 2026, this request was granted partially by the Board, and the

Landlords were permitted to serving one of the Former Tenants (Keren Cruz-Lopez) via email. The Board also endorsed the fact that the Landlords were required to serve the documents to each of the Former Tenants, and that April 11, 2026, was the deadline for service.

5. At the hearing, the Landlords' legal representative advised that Keren Cruz Lopez was served a copy of the L10 application and Notice of hearing on February 25, 2026, and again on April 8, 2026. Copies of the email correspondence were filed as evidence with the Board, and they confirmed service of the documents to Keren Cruz Lopez. With respect to service of the documents to the other two Former Tenants, the legal representative advised that these documents were served to them on April 29, 2026. He claimed the method of service of these documents to the other two Former Tenants was via "personal service".
6. Based on the submissions at the hearing, I am not satisfied that the Landlords served the other two Former Tenants with the application and Notice of Hearing at least 30 days before the hearing in accordance with Rule 5.8 of the LTB's Rules of Procedure. The legal representative did not file any Certificate of Service as required under subsection 189.0.1(3) of the *Residential Tenancies Act, 2006* (the 'Act') and Rule 5.16 of the LTB's Rules of Procedure. A completed Certificate of Service signed by the person who served the application and the Notice of hearing is documentary evidence I would have reasonably expected the Landlords' legal representative to adduce to substantiate his claim. Absent a completed Certificate of Service, I place little weight on the representative's general assertions that the other two Former Tenants were served with the documents. Thus, I am not satisfied that Landlords served the other two Former Tenants with the documents.
7. For the above noted reasons, the Landlords' application is dismissed.

It is ordered that:

1. The Landlords' application is dismissed.

June 26, 2026
Date Issued

Inderdeep Padda
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.