



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-066154-23

In the matter of: 4, 1096A CLEMENT RD
Sharbot Lake ON K0H2P0

Between: North Frontenac Non Profit Housing Corporation Landlord

And

Paula England Tenant

North Frontenac Non Profit Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Paula England (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant

This application was heard by videoconference on December 17, 2025.

The Landlord's Agents, Nancy Hilder (Property Manager) and Janet Gutowski (Volunteer Board Chair), the Tenant's Legal Representative, W. Florence, and the Tenant attended the hearing.

Determinations:

1. The Landlord is amended to North Frontenac Non Profit Housing Corporation.

Preliminary Issue – Invalid notice of termination

2. At the outset of this hearing, the Tenant's Legal Representative submitted that the Notice to End Tenancy For Interfering with Others, Damage, or Overcrowding (N5 Notice) at the root of this application did not provide a termination date at least 14 days after it was given to the Tenant as required by subsection 68(2) of the *Residential Tenancies Act, 2006* (the 'Act').
3. The N5 Notice was signed on July 21, 2023 and provided a termination date of August 8, 2023. In accordance with the Certificate of Service filed by the Landlord, the N5 Notice was given to the Tenant via mail or Xpresspost on July 21, 2023.
4. Subsection 68(2) of the Act provides that:

The notice under this section shall set out the date it is to be effective and that date shall not be earlier than the 14th day after the notice is given.

5. Subsection 191(3) of the Act provides that:

A notice or document given by mail shall be deemed to have been given on the fifth day after mailing.

6. In accordance with subsection 191(3) of the Act, the N5 Notice given to the Tenant by mail on July 21, 2023 is deemed served on July 26, 2023, five days after mailing. Since the N5 Notice provided a termination date of August 8, 2023, this amounted to only 13 days notice after giving it to the Tenant. Therefore, I find that the N5 Notice is invalid as the termination date is not at least 14 days after it was given to the Tenant as required by subsection 68(2) of the Act.

7. Since the N5 Notice at the root of this application is invalid, I have no authority to terminate the tenancy.

8. Consequently, the application is dismissed.

It is ordered that:

1. The application is dismissed.

January 6, 2026
Date Issued

Lisa Del Vecchio
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.