



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-078652-25

In the matter of: 6, 2 Penny Lane
Amherstview ON K7N1P7

Between: Torbill Holdings Ltd Landlord

And

Lindsay Bawn Tenant

Torbill Holdings Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Lindsay Bawn (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 18, 2025.

Only the Landlord's Agent, Keith Smallbill attended the hearing.

As of 10:13 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy or the claim for compensation in the application. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On August 20, 2025, the Landlord gave the Tenant a first, voidable N5 notice of termination which alleges that the Tenant left personal possessions in the common areas of the residential complex and had failed to remove the items despite requests from the Landlord. Therefore, the Landlord was allowed to give the Tenant a second, non-voidable N5 notice of termination under section 68 of the *Residential Tenancies Act, 2006* (Act).

4. On September 4, 2025, the Landlord gave the Tenant a second N5 notice of termination. The notice of termination contains the same allegations as the first N5.
5. At the hearing, the Landlord testified that the Tenant had agreed to vacate the rental unit by December 31, 2025 and sought an order terminating the tenancy on December 31, 2025. However, there was no evidence that the Tenant had consented to an order terminating the tenancy.
6. The Landlord declined to lead any evidence with regards to the allegations in the N5 notices.
7. As the Landlord did not prove that the Tenant, an occupant of the Tenant's rental unit or a person permitted in the residential complex by the Tenant has substantially interfered with either the Landlord or another tenant, the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 5, 2026

Date Issued

Christopher Lin

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.