



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-040279-25

In the matter of: 209, 383 MAIN ST E
MILTON ON L9T8K8

Between: Stephen Davis Landlord

And

AKA Joanne Sterling Tenant

Stephen Davis (the 'Landlord') applied for an order to terminate the tenancy and evict AKA Joanne Sterling (the 'Tenant') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on July 31, 2025.

The Landlord, the Landlord's Representative, C. Mitchell, the Tenant and the Tenant's Representative, Amna Safdar attended the hearing.

The member who presided at the hearing has resigned from the Board. The Associate Chair of the Landlord and Tenant Board has determined that the Member who heard the application is unable to issue a decision in this matter. The matter has therefore been reassigned under the authority of subsection 4.4(1) of the *Statutory Powers Procedure Act*. As the reassigned adjudicator, I have reviewed the evidence and submissions provided by the parties during the hearing held on the date noted above and have listened to the hearing recording. I am satisfied that I am able to make a decision based on the existing evidentiary record as permitted by subsection 4.4(6) of the *Statutory Powers Procedure Act*. Therefore, a new hearing was not held for this matter.

Determinations:

1. An oral ruling was given at the hearing by the presiding member dismissing the application. I concur with the member's interpretation of the Act that the L2 application was filed prematurely.

2. Section 69(1) of the Act makes it mandatory for the Landlord to have given notice to terminate the tenancy under this Act before applying to the Board for an order terminating the tenancy and evicting the tenant. The application was filed on May 15, 2025, on the same day the N12 Notice was mailed to the Tenant.
3. Section 191 (3) of the Act and Rule 3.9 of the Board's Rules of Procedure, deems a notice given by mail to have been given on the fifth day after mailing, which in this case is May 20, 2025, five days after the application was filed.
4. The N12 did not come to the Tenant's attention on May 15, 2025, therefore it also can't be said to be validly given on May 15, 2025, before the application was filed. A text message from the Landlord dated May 19, 2025, at 8:30 indicates that's the earliest date the Tenant was given a key to access the mailbox.

It is ordered that:

1. The application is dismissed.

January 9, 2026
Date Issued

Sandra Macchione
Vice Chair, 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.