



Order under Section 69 Residential Tenancies Act, 2006

Citation: Naqvi v Abbey, 2026 ONLTB 1171

Date: 2026-01-06

File Number: LTB-L-070164-25

In the matter of: 2 Clipper Lane
Clarington ON L1C 3K3

Between: Syeda Sana Naqvi Landlord

And

Breanna Abbey Tenant
Warren Abbey

Syeda Sana Naqvi (the 'Landlord') applied for an order to terminate the tenancy and evict Breanna Abbey and Warren Abbey (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 28, 2025.

The Landlord's legal representative Akshay Mahajan and the Tenant Breanna Abbey attended the hearing. Syed Naqvi attended the hearing as a witness for the Landlord.

Determinations:

1. The Landlord has not proven on a balance of probabilities that a valid Notice to End Tenancy Early for Non-payment of Rent was served on the Tenant. For the reasons set out below, the Landlord's application is dismissed.
2. Two such notices were uploaded to the Tribunals Ontario Portal ahead of the hearing.
3. The first N4 Notice – which was uploaded with the Landlord's application – claims that the Tenant owes \$31,930.00 in rent arrears for use of the rental unit from February 10, 2025 to August 10, 2025. However, the notice does not include a termination date as required by section 43 of the Residential Tenancies Act, 2006 (the 'Act'). Therefore, this notice is invalid on its face.
4. The second N4 Notice – uploaded to the Portal as part of the Landlord's evidence package – claims that the Tenant owes \$6,980.00 in rent arrears for use of the rental unit from February 10, 2025 to May 10, 2025. This notice was served on the Tenant as part of the

Landlord's evidence package on October 21, 2025, but there is no evidence before the Board that it was served on the Tenant before that time.

5. The Landlord's legal representative informed the Board that this second N4 notice did not accurately state the arrears owing as of the date it was completed. Therefore, it is also invalid.
6. The Landlord has not served a valid notice of termination on the Tenant, which is a prerequisite to bringing an application under section 69 of the Act. Therefore, the Landlord's application to terminate the tenancy is dismissed.
7. Further, given the conflicting account of the arrears provided in the Landlord's material, the Board cannot ascertain with any confidence what amount, if any, is owed by the Tenant. Therefore, no order can be issued requiring payment of these arrears.
8. The Tenant has the right to know the case they have to meet at the hearing. By not providing clear information through properly executed notices, the Landlord has impeded the Tenant's ability to respond. It would be highly prejudicial to the Tenant to issue an order in these circumstances.
9. For these reasons, the Landlord's application is dismissed in its entirety.

It is ordered that:

1. The Landlord's application is dismissed.

January 6, 2026
Date Issued

Jeremy Henderson
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.