



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-088197-25

In the matter of: 71 CONNELL LANE
BOWMANVILLE ON L1C0L1

Between: Johnson Dartey Landlord

And

KRYSTYNA MCCABE Tenant

Johnson Dartey (the 'Landlord') applied for an order to terminate the tenancy and evict KRYSTYNA MCCABE (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on December 8, 2025.

The Landlord, the Landlord's Legal Representative, Samuel Anash, and the Tenant, Tyler Beyette (TB), attended the hearing.

Determinations:

Preliminary Issue: Validity of the N4 Notice

1. The N4 notice served on the Tenant, Krystyna McCabe (KM), only listed KM as the Tenant.
2. The Landlord filed an amended N4 notice on November 28, 2025 including TB as a Tenant.
3. At the hearing, the Landlord stated that he thought TB was no longer a tenant as there was a no contact order in place between TB and KM. TB stated he never moved any of his belongings out of the rental unit and he is listed as a tenant on the lease. TB testified that he and KM are planning to resume their relationship once the no contact order has been lifted.
4. While TB received actual notice of the hearing, the N4 is defective and therefore the Landlord's eviction application must be dismissed. I am not satisfied that the N4 is substantially compliant under section 212 of the *Residential Tenancies Act, 2006*, (the 'Act'). In my view, failing to identify a tenant on the N4 would cause substantial prejudice to

both the tenant that was omitted and the tenant who was not, and cannot constitute substantial compliance in these circumstances.

It is ordered that:

1. The Landlord's application is dismissed without prejudice.

January 8, 2026
Date Issued

Allana McComb
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.