



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-085296-25

In the matter of: 1 Water
Sunderland ON L0C1H0

Between: Joseph Thomas Allin Landlord

And

Paul Gould Tenant

Joseph Thomas Allin (the 'Landlord') applied for an order to terminate the tenancy and evict Paul Gould (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on December 22, 2025.

The Landlord, the Tenant, and the Tenant's Agent Dawn De Souza attended the hearing.

Preliminary Issues:

1. On September 23, 2025, the Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The N4 Notice included a rent charge for the period of October 1, 2025, to October 7, 2025. However, the October rent, which would come due on October 1, 2025, was not yet in arrears when the notice was served on September 23, 2025. As such, the amount of rent arrears claimed on the N4 Notice was incorrect. This contravenes subsection 59(2) of the *Residential Tenancies Act* (2006) (the 'Act'), which requires the notice of termination to accurately set out the amount of rent arrears.
2. The tenancy could not be terminated based the N4 Notice, as it was defective. The Landlord chose not to proceed with the application for payment only without an eviction under section 87 of the Act. Therefore, the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 7, 2026
Date Issued

Kate Sinipostolova
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.