



Order under Section 69 Residential Tenancies Act, 2006

Citation: East Markham Non-Profit Homes v Carmichael, 2026 ONLTB 1032

Date: 2026-01-07

File Number: LTB-L-081106-25

In the matter of: 215, 25 DEVERILL CRT
MARKHAM ON L6G0C7

Between: East Markham Non-Profit Homes

Landlord

And

Tene Carmichael

Tenant

East Markham Non-Profit Homes (the 'Landlord') applied for an order to terminate the tenancy and evict Tene Carmichael (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on December 18, 2025.

The Landlord's Representative, Emily Barbati and the Tenant attended the hearing.

Determination:

1. Section 43(1)(c) of the *Residential Tenancies Act*, 2006 (the 'Act') requires that a notice of termination be signed by the person giving the notice or an agent of the person. In this case, the N4 notice of termination that was uploaded to the Portal was not signed.
2. The Landlord's Representative was provided an opportunity to establish that the N4 notice that was served to the Tenant was signed. The Landlord's Representative was unable to do so.
3. I was not satisfied that the Tenant was served a signed copy of the N4 notice of termination and therefore I find that the notice of termination was not valid.
4. Because the Board is unable to issue an order for eviction based on an invalid notice, the Landlord's Representative was offered the choice of proceeding with the L1 application based on a request for the arrears only or withdrawing the application.
5. The Landlord's Representative sought to withdraw the application, and I consented to the request.
6. The Tenant, Tene Carmichael ("TC"), appeared to be attempting to raise issues under section 82 of the Act.

7. Section 82(2) of the Act provides that the tenant is required to give advance notice they intend to raise issues under section 82(1) in accordance with the LTB's Rules.
8. Under the Board's Rule 19.4 a tenant who wishes to raise issues under section 82(1) is required to both provide the Board and other parties with a written description of issues they wish to raise and a copy of their evidence at least 7 days prior to the hearing. Under Rule 19.5 a party who does not comply with Rule 19.4 shall not be permitted to raise issues under section 82(1) during a hearing for a landlord's application about rent arrears unless the Board is satisfied the tenant could not comply with the requirements.
9. Here, TC did not provide the Landlord nor the Board the required 7 day's notice of their intent to raise issues under section 82(1) of the Act. Since the Landlord was withdrawing their application and the Tenant is able to file their own application, I was not satisfied that TC had an adequate explanation for failing to provide notice of her intent to raise issues under section 82(1) and will not be prejudiced by my denying her attempt to raise the issues.
10. This does not preclude the Tenant from filing their own application. As such, I declined to exercise my discretion to permit the Tenant to raise any issues under section 82 of the Act.

It is ordered:

1. The Application is dismissed as withdrawn.

January 7, 2026

Date Issued

Nicole Pedron

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.