



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

File Number: LTB-L-084781-25

In the matter of: 418, 12 ST DENNIS DR
NORTH YORK ON M3C1G2

Between: 10-12 St.Dennis Drive Ltd. Landlord

And

E. Luces Tenants
A. Luces

10-12 St.Dennis Drive Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict E. Luces and A. Luces (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

The Landlord's Legal Representative, Richard Hissey and the Tenant, Aprell Luces attended the hearing.

Determinations:

Preliminary Issue – Validity of the N4 Notice

1. At the hearing, it became apparent that the N4 Notice of Termination (N4) had the incorrect arrears owing as there was an incorrect calculation of the rent owing for the period of September 1, 2024 to July 31, 2025.

2. Section 59(2) of the *Residential Tenancies Act, 2006* (the 'Act') states that:

The notice of termination shall set out the amount of rent due and shall specify that the tenant may avoid the termination of the tenancy by paying, on or before the termination date specified in the notice, the rent due as set out in the notice and any additional rent that has become due under the tenancy agreement as at the date of payment by the tenant.

3. I gave the Landlord's Legal Representative an opportunity to explain the calculations in the first line of the N4 notice and the Landlord's Legal Representative was unable to explain how the rent arrears for September 1, 2024 to July 31, 2025 were calculated.

4. Based on the evidence before me at the hearing, I was not satisfied that the N4 notice contains a correct amount of rent owing for the period of September 1, 2042 to July 31, 2025.
5. Since the N4 Notice did not comply with section 59(2) of the Act by accurately setting out the amount of rent arrears that were due when the N4 Notice was served, I find the N4 notice to be defective and a tenancy may not be terminated based on an invalid notice.
6. The Landlord was given the option to proceed with the application for arrears of rent only with no termination of the tenancy or to withdraw the application. The Landlord sought to withdraw the application and I consented to the request.
7. The application having been withdrawn, the LTB's file is closed.

January 5, 2026
Date Issued

Christopher Lin
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.