



Order under Section 69 Residential Tenancies Act, 2006

Citation: Collins v Quenneville, 2026 ONLTB 2047

Date: 2026-01-05

File Number: LTB-L-040334-25

In the matter of: 2, 156 SIMCOE ST
STURGEON FALLS ON P2B3J1

Between: Damien Taz Collins Landlord
Briana Nadeau

And

Marc Quenneville Tenant

Damien taz collins and Briana Nadeau (the 'Landlord') applied for an order to terminate the tenancy and evict Marc quenneville and Nipissing Community Legal Clinic (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant

This application was heard by videoconference on September 15, 2025.

The Landlord's legal representative, Katrina Eisenhour, the Landlord, Damien Taz Collins, the Tenant's legal representative, Mairghread Knought, and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities that there is a valid N5 notice of termination given in accordance with the *Residential Tenancies Act, 2006* (the "Act").
2. Because the application is dismissed at this preliminary stage, there is no need to determine the factual allegations in the notices or to consider relief from eviction under section 83 of the Act.
3. The Board's form N5 notice may be used by a landlord to seek termination of a tenancy for several different grounds under the Act. It is the prescribed form for a landlord to use when seeking to terminate the tenancy for cause under sections 62, 64, 67 and 68 of the Act.

4. The grounds for eviction listed in sections 62, 64 and 67 of the Act are all subject to a tenant's right to void the notice by ceasing the conduct in the notice or complying with its requirements within a seven-day voiding period.
5. Notices under section 68 of the Act are often referred to as "second notices" because a landlord cannot use that provision to serve a notice unless a tenant has previously been served a voidable notice and has voided it within the previous six months. A notice served under section 68 is "non-voidable", meaning the landlord can proceed to file an application at the Board regardless of whether the tenant stops the described conduct.
6. Therefore, when a landlord completes an N5 notice, they must indicate on the notice each ground relied on and whether the notice is a "first notice", that is a voidable N5 notice under sections 62, 64 or 67 of the Act, or a non-voidable "second notice" under section 68.
7. In this case, the Landlord's N5 notice is incomplete because it fails to inform the Tenant whether the Landlord is seeking to evict pursuant to sections 62, 64 or 67 of the Act or pursuant to section 68 of the Act, and it does not advise the Tenant whether they have an opportunity to void the notice by correcting the conduct within seven days. This error is prejudicial to the Tenant, who had no way of knowing whether they could avoid termination by complying within the voiding period and therefore find the first N5 notice to be invalid.
8. In order for the Landlord to have served a second N5 notice, the Landlord had to first serve a valid first N5 Notice within 6 months prior to the Second N5 Notice.
9. Having found that the first N5 Notice is defective, the Landlord cannot rely on a second N5 notice to correct the shortfall in the first notice. The Landlord's application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 5, 2026
Date Issued

Colin Elsby
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.