



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

File Number: LTB-L-087735-25

In the matter of: Lower Unit, 7751 WILLEY ST
NIAGARA FALLS ON L2G0H3

Between: OMER SHAIKH Landlord

And

BRENDAN WALL Tenant

OMER SHAIKH (the 'Landlord') applied for an order to terminate the tenancy and evict BRENDAN WALL (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

Only the Landlord and the Landlord's Agent, Shakoor Shaikh, attended the hearing.

As of 1:33 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord did not submit a certificate of service on the LTB's Portal. At the hearing, the Landlord testified that he had served the N4 notice of termination through email on the Tenant.
2. In accordance with the Board's Rule 3.1 a document may be served on a party by email but only "...if the person or party receiving it has consented in writing to service by email."
3. However, section 191(2) of the *Residential Tenancies Act, 2006* (the 'Act') also states:

When notice deemed valid

(2) A notice or document that is not given in accordance with this section shall be deemed to have been validly given if it is proven that its contents actually came to the attention of the person for whom it was intended within the required time period.

4. The Landlord testified that the Tenant verbally consented to receiving notices through email. The Landlord stated that this was not outlined in the lease and he did not have written confirmation of the Tenant's consent.
5. The Landlord testified that the email with the N4 notice came to the attention of the Tenant, and he submitted text messages that he testified indicated that the Tenant was aware of the N4 notice.
6. I am not satisfied that the text messages establish that the emailed N4 notice came to the attention of the Tenant. The text message from December 6, 2025 only demonstrates that the Tenant is planning to move out at the beginning of January 2026 and that he is planning to pay his rent arrears now that he has found employment. The text message does not identify the actions are in relation to the N4 notice. The text message on December 10, 2025 only demonstrates that the Landlord asked the Tenant to sign an N9.
7. As a result, I am not satisfied that the Landlord has served the Tenant in accordance with the Act, and therefore the Landlord's application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 6, 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.