



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-087668-25

In the matter of: room 3, 586 Main Street East
North Bay ON P1B1B8

Between: Don Dent Landlord
Cherrie Dent

And

Kyle Fredrick Holliday Tenant

Don Dent and Cherrie Dent (the 'Landlord') applied for an order to terminate the tenancy and evict Kyle Fredrick Holliday (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 December 8, 2025.

The Landlord and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy or the claim for compensation in the application. Therefore, the application is dismissed as the application is not based on a valid notice of termination.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Landlords testified that they served the Tenant with a first voidable N5 notice of termination on July 9, 2025 (the 'First N5'), and the First N5 had a termination date of July 17, 2025. The Tenant agreed with this.
4. The First N5 was given to the Tenant under section 64 of the *Residential Tenancies Act, 2006* (the 'Act') for the "substantial interference" ground for termination. Section 64(2) of the Act requires the termination date to be at least 20 days after the notice was given. Section 64(3) allows a tenant to void a notice given under section 64 if, within seven days

after receiving the notice, the tenant stops the offending conduct or activity or corrects the omission.

5. In this case, the termination date in the First N5 was less than 20 days after the First Notice was given and, therefore, the First N5 is invalid.
6. The Landlords testified that they have since served multiple other N5 Notices on the Tenant. They uploaded two of the most current N5 Notices and claim that they have lost track of all the N5's that have been served on the Tenant. Both of the notices that were submitted – with termination dates of October 12, 2025 and November 21, 2025 – indicate that they are second N5 Notices and, therefore, the Tenant cannot void them.
7. In general, second N5 Notices are given under section 68 of the Act. They can be given to a tenant more than seven days but less than six months after a valid first, voidable notice was given under sections 62, 64 or 67.
8. In this case, I find that no valid first N5 Notice was given to the Tenant before any of the subsequent N5 Notices were given and the Tenant was never given the opportunity to void. Therefore, I also find that the subsequent N5 Notices are also invalid because they were not given in accordance with section 68.
9. Without a valid notice of termination to support the application, the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 15, 2026
Date Issued

Samantha Greaves
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.