



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-089668-25

In the matter of: 2ND FLR, 599 DUFFERIN STREET
TORONTO ON M6K2B1

Between: 599 DUFFERIN HOLDINGS INC. Landlord

And

Myles Queale Tenant
Justin Pinho

599 Dufferin Holdings Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Myles Queale and Justin Pinho (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on January 7, 2026.

The Landlord and Landlord's representative, Terry Ramjit, and the Tenant attended the hearing.

Determinations:

1. The Landlord served the Tenant a Notice of Termination N8 because, the Landlord alleged that, the Tenant paid his rent persistently late. The termination date set out in the N8 Notice of Termination was September 30, 2025.
2. Section 58(2) of the *Residential Tenancies Act, 2006* (the 'Act') states that the termination date in the Notice of Termination for persistent late payment of rent shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term.
3. It was not disputed that the rent is payable on the 15th day of the month. Therefore, I find that the rental period is from the 15th day of the month to the 14th day of each month. As such, the termination date in the N8 Notice of Termination should have been the last day of the month being the 14th.

4. As a result, the Notice of Termination is defective. The Board does not have the jurisdiction to terminate a tenancy based on a defective Notice of Termination. Accordingly, the Landlord's Application shall be dismissed.

It is ordered that:

1. The L2 application is dismissed.

January 15, 2026
Date Issued

Vinuri Sivalingam
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.