



Order under Section 69 Residential Tenancies Act, 2006

Citation: Mufti v Dimopoulos, 2026 ONLTB 4235

Date: 2026-01-16

File Number: LTB-L-088059-25

In the matter of: BSMT, 453 THORNBORROW CRT
MILTON ON L9E1T4

Between: Masroor Mufti Landlord

And

Danny Dimopoulos Tenant

Masroor Mufti (the 'Landlord') applied for an order to terminate the tenancy and evict Danny Dimopoulos (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 8, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. The Landlord applied for an order terminating the tenancy and evicting the Tenant for non-payment of rent pursuant to section 69 of the Residential Tenancies Act, 2006 (the 'Act').
3. The Landlord's L1 application states that the lawful monthly rent is \$3,650.00. The Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) alleged that lawful rent was \$3,750.00 for September 2025, that the Tenant paid \$1,900.00, and that \$1,800.00 remained outstanding.
4. At the hearing, the Landlord testified that the tenancy commenced on September 1, 2025, and that the lawful monthly rent is \$1,850.00. The Landlord further testified that the N4 Notice was issued because the Tenant had not paid a last month's rent deposit prior to moving into the rental unit.
5. Based on the Landlord's testimony, I find that the amount identified as "arrears" on the N4 Notice did not represent unpaid rent owing for a rental period. Rather, the Landlord

attempted to use the N4 Notice to collect a last month's rent deposit after the tenancy had already begun.

6. Section 106 of the Act permits a landlord to require a rent deposit only on or before the day the tenancy begins. The Act does not permit a landlord to collect a rent deposit after the tenancy has commenced by issuing a notice of termination for non-payment of rent.
7. I find that there were no rent arrears owing at the time the N4 Notice was given or when the L1 application was filed. As a result, the N4 Notice is invalid and does not meet the statutory requirements of the Act.
8. Because the N4 Notice and L1 application are invalid as there were no rent arrears owing, the Landlord's application is improperly before the Board and must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 16, 2026
Date Issued

Kyle Anderson
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.