



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-089490-25

In the matter of: Basement, 1012 DUBLIN ST
SUDBURY ON P3A1R6

Between: Zil PATEL Landlord

And

Shelly Fitzpatrick Tenants
Jodie Robjnson
Ronnie Balmore

Zil PATEL (the 'Landlord') applied for an order to terminate the tenancy and evict Shelly Fitzpatrick, Jodie Robjnson and Ronnie Balmore (the 'Tenants') because:

- the Tenants have been persistently late in paying the Tenants' rent.

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

This application was heard by videoconference on January 5, 2026.

Only the Landlord attended the hearing.

As of 10:12 a.m., the Tenants were 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. I brought up a preliminary issue regarding the N8 notice of termination with the Landlord.
2. On October 18, 2025, the Landlord served the Tenants an N8 notice of termination with a termination date of December 18, 2025.
3. Section 58(2) of the *Residential Tenancies Act*, 2006 (hereinafter referred to as the "Act") states "The date for termination specified in the notice shall be at least the number of days

after the date the notice is given that is set out in section 44 and shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term.”

4. I asked the Landlord when the rent was due and he confirmed that the rent was due on the first day of the month. Based on that information, the termination date on this notice should have been December 31, 2025, not December 18, 2025.
5. As this N8 notice of termination is contrary to section 58(2) of the Act, I find that this notice is invalid and the application must be dismissed.

It is ordered that:

1. The Landlord’s application is dismissed.

January 16, 2026
Date Issued

Carrie Bertrand
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.