



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

File Number: LTB-L-068264-25

In the matter of: MAIN, 5507 ONTARIO AVE
NIAGARA FALLS ON L2E3S4

Between: Patricia GERELUS Landlord

And

Elizabeth WHITESIDE Tenant

Patricia GERELUS (the 'Landlord') applied for an order to terminate the tenancy and evict Elizabeth WHITESIDE (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;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises;
- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully caused undue damage to the premises.

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 December 4, 2025.

Only the Landlord attended the hearing.

As of 9:29 AM, 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 filed an L2 application with the Board on August 17, 2025. The application was based on a second N5 Notice of termination ('N5 Notice') and an N7 Notice of termination ('N7 Notice').
2. Section 69 of the *Residential Tenancies Act, 2006* (Act) permits a Landlord to apply to the Board for an order terminating a tenancy and evicting the tenant if the landlord has given notice to terminate the tenants under the Act or the *Tenant Protection Act, 1997*.
3. The Landlord filed a certificate of service with respect to the N5 Notice and N7 Notice, which indicates that the notices were served on the Tenants on August 18, 2025 the day after the application was filed with the Board.
4. The Tenant confirmed that the N5 and N7 notices were served on the Tenant on August 18, 2025.
5. The Tenants application is not properly before the Board as the application was filed prior to the Landlord giving the Tenant notice under the Act. As such the Landlord's application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 20, 2026

Date Issued

Sean Ramage

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.

