



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-091126-25

In the matter of: 72, 1007 RACOON RD
GRAVENHURST ON P1P0C2

Between: Sunpark Beaver Ridge Estates Inc. Landlord

And

Wilma Campbell Tenant

Sunpark Beaver Ridge Estates Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Wilma Campbell (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on December 10, 2025.

The Landlord's Legal Representative, Andrew Hyland, the Tenant's Legal Representative, Catherine Grinnell and the Tenant attended the hearing.

Determinations:

1. At the hearing, the Tenant's Legal Representative, raised a preliminary issue that the N4 was not valid as it did not reflect the proper rent arrears and payments made by the Tenant. The N4 included various fees and charges that are not rent arrears, for example administrative fees, and NSF charges.
2. The Tenant's Legal Representative's position was that the application should be dismissed as the N4 caused confusion for the Tenant about the amount that was needed to void the notice as the rent amount charged was not correct.
3. The Landlord's Legal Representative took the position, they are only claiming the rent arrears, and that if the N4 is not valid, they still wanted to proceed with an order for the arrears, and not for termination of the tenancy. The Landlord's Legal Representative provided a spreadsheet to outline how the arrears and the Tenant's payments were calculated.
4. The Landlord's application is dismissed for the reasons set out below.
5. After review of the Landlord's evidence, I am not satisfied that the N4 provided to the Tenant reflects the rent charged and the rent arrears outstanding as the spreadsheet that breaks down the amounts in the N4, which was provided as evidence has other charges that are not rent which include property tax, processing fees, water charges, LTB filing

fees, administrative charges and NSF fees. I noted that one of the administrative charges was in the amount of \$828.50, and the rent arrears only being \$744.26.

6. When the rent amount is calculated for the months provided on the N4, it does not reflect the monthly rent amount that the Landlord's Legal Representative is claiming.
7. Therefore, I find that the N4 is invalid because it does not accurately reflect the rent charged and/or owing for the applicable rental periods. Since the amount owing is incorrect, the Tenant was effectively denied the opportunity to void the notice in accordance with section 59(3) of the *Residential Tenancies Act, 2006*.
8. In addition, I am not satisfied that it would be appropriate to issue an order for only the arrears outstanding.
9. I have not been provided with sufficient or clear evidence to establish the basis of the application, which is the outstanding rent arrears owing. The burden of proof is on the Landlord to establish the amount of rent owing. In this case, neither the N4 nor the ledger the Landlord submitted clearly establishes the rent charged or owing for the applicable rental periods. Therefore, the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.
2. The hearing date scheduled for March 5, 2026, at 9:30am is therefore cancelled.

January 21, 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.