



Order under Section 69 Residential Tenancies Act, 2006

Citation: Machado v Kasper, 2026 ONLTB 5986

Date: January 19, 2026

File Number: LTB-L-072942-25-HR

In the matter of: 1, 32 Orchard Heights Drive
Chatham, ON N7M3G6

Between: Jose Machado Landlord

and

Betty Kasper Tenant

HEARING ORDER

Jose Machado (the 'Landlord') applied in a N7-based L2 application seeking an order to terminate the tenancy and evict Betty Kasper (the 'Tenant') because the Landlord claimed that the Tenant, someone visiting or living with the Tenant, or someone the Tenant permitted in the residential complex, seriously impaired the safety of another person and the act or omission occurred in the residential complex.

This application was heard by videoconference on December 16, 2025. The Landlord attended with their agent Susy Vanderlaan. As of 9:49am (the hearing was scheduled to start at 9am the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB by mail on November 14, 2025. There was no record of a request to adjourn or reschedule the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. As explained below, the Landlord's application must be dismissed because the N7 Notice did not comply with the requirements of the *Residential Tenancies Act, 2006* (the 'Act') and the L2 application was not filed within time limitation.
2. The termination date provided in the N7 Notice was June 13, 2025. According to the certificate of service the Tenant was given the N7 Notice on August 10, 2025 by having it left in the mailbox or where mail is normally delivered. Rather than providing the Tenant at least 10 days for termination as required by section 66(2) of the Act, the Landlord back-dated the termination date by nearly 2 months.
3. Another issue was that the L2 application was filed on September 2, 2025. This was more than 30 days after the termination date of June 13, 2025 provided in the N7 Notice.

According to section 46(1)(b) of the Act, the notice of termination became void after 30 days since the Landlord did not apply for the L2 application within that time.

4. I determined that the Tenant was short-served with notice of termination, and the notice of termination became void before the L2 application filed. Therefore, the application must be dismissed.

It is ordered that:

5. The application is dismissed.

January 19, 2026

Date Issued

Michelle Tan

Vice Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.