



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

**File Number:** LTB-L-071180-25

**In the matter of:** 2, 29 COURT ST  
ST CATHARINES ON L2R4R5

**Between:** Ogenna Maduekwe Landlord

**And**

Jason Wise Tenant

Ogenna Maduekwe (the 'Landlord') applied for an order to terminate the tenancy and evict Jason Wise (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 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 17, 2025.

Only the Landlord's Agent Bryan Saelens attended the hearing.

As of 9:33 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. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On August 5, 2025, the Landlord gave the Tenant an N5 notice of termination deemed served on the same date. The notice of termination alleges that on August 4, 2025 the Tenant engaged in a behaviour that posed a safety risk and nuisance to other residents specifically the Tenant threatened other tenants and, smashed beer bottles outside.

4. The Landlord's Agent testified with respect to observations he made on August 4, 2025 where garbage and broken beer bottles were strewn on the ground outside the Tenant's rental unit. The Tenants rental unit also had a window broken and damage to the walls and ceiling. Photographs supporting the observations were submitted at the hearing.
5. Pursuant to section 64(3) of the *Residential Tenancies Act, 2006* (Act) A notice of termination under section 64(1) is void if the tenant within seven days after receiving the notice, stops the conduct or activity or corrects the omission.
6. The Landlord adduced no evidence at the hearing regarding the Tenant's behaviour after August 4, 2025 the date the Tenant's behaviour gave rise to the N5 notice. With no evidence that the behaviour continued in the seven day period after the Tenant received the notice, the Tenant has voided the N5 notice of termination in accordance with section 64(3). As such the application must be dismissed.

**It is ordered that:**

1. The Landlord's application is dismissed.

**January 23, 2026**  
**Date Issued**

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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.