



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

File Number: LTB-L-079015-25

In the matter of: 3, 3 DENARDA ST
YORK ON M6M4T2

Between: Antonio Rocha
Teresina Rocha Landlords

and

Magretta Harry Tenant

Antonio Rocha and Teresina Rocha (the 'Landlords') applied for an order to terminate the tenancy and evict Magretta Harry (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

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

Only the Landlord Antonio Rocha and his support person Gary Rocha attended the hearing.

As of 9:53, 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 Landlords' application must be dismissed their materials are misleading creating a real risk of confusion and prejudice to the respondent Tenant. The application discloses that it is relying on a voidable N5 notice of termination whereas the N5 notice of termination filed in support of it alleges that it is a second, non-voidable notice of termination given by authority of section 68 *Residential Tenancies Act, 2006* (the 'Act') of the Act.
2. The application speaks of a voidable N5 giving the impression that the Tenant can preserve her tenancy by stopping the offending conduct alleged within seven days—parking her car properly, stopping her dog from barking, picking up after her dog and refraining from leaving unpleasant voicemail messages. The notice of termination that the

Landlord served does not, on its face, give the Tenant that option. The purpose of a notice of termination is, among other things, to alert a tenant to the extent of their jeopardy so that can consider their position and determine how to respond. The Landlord's N5 notice of termination does adequately do that.

3. Therefore, I find the application must be dismissed because the notice of termination filed in support of it is misleading.

It is ordered that:

1. The application is dismissed.

January 28, 2026

Date Issued

Nersi Makki

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.