



Order under Subsection 87(1) Residential Tenancies Act, 2006

Citation: Zhen v Leighton, 2026 ONLTB 7355

Date: 2026-01-26

File Number: LTB-L-091301-25

In the matter of: Main Floor, 227 CODSELL AVE
NORTH YORK ON M3H3W8

Between: Selina Cher Zhen Landlord

And

Daniel J. Leighton Tenants
Mandy Kochberg

Selina Cher Zhen (the 'Landlord') applied for an order requiring Daniel J. Leighton and Mandy Kochberg (the 'Tenants') to pay the rent that the Tenants owe.

This application was heard by videoconference on January 19, 2026.

The Landlord, the Landlord's Support, David Zhen, and the Tenants attended the hearing.

Determinations:

Service of the N4

1. The N4 notice of termination ("N4 notice") the Landlord served the Tenants had a date of termination of October 6, 2025. The Landlord testified that it was given to the Tenants on October 4, 2025.
2. Section 59(1)(b) of the *Residential Tenancies Act*, 2006 (the 'Act') provides that a notice of termination for failure to pay rent may not be effective earlier than the 14th day after the notice is given, if the tenancy is a tenancy other than a daily or weekly tenancy.
3. Here, the date of termination was 2 days after the N4 notice was given to the Tenants, therefore the notice of termination was not valid as the date of termination was not effective at least 14 days after the notice was given to the Tenants.
4. Because the Board is unable to issue an order for eviction based on an invalid notice, the Landlord was offered the choice of proceeding with the L1 application based on a request for the arrears only or withdrawing the application.

5. The Landlord chose to proceed on a request for arrears only.

The amount owing

6. As of the hearing date, the Tenants were still in possession of the rental unit.
7. The Tenants did not pay the total rent they were required to pay for the period from September 1, 2025, to January 31, 2026.
8. The application claimed the rent was \$2,500.00. Both the Landlord and the Tenants indicated that the rent was \$2,250.00 and \$250.00 per month was for utilities.
9. I find that the the lawful rent is \$2,250.00. It is due on the 1st day of each month.
10. The Tenants have not made any payments since the application was filed.
11. It was undisputed that the rent arrears owing to January 31, 2026, are \$9,000.00.
12. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenants shall pay to the Landlord \$9,186.00. This amount includes rent arrears owing up to January 31, 2026, and the cost of the application.
2. If the Tenants do not pay the Landlord the full amount owing on or before February 6, 2026, the Tenants will start to owe interest. This will be simple interest calculated from February 7, 2026, at 4.00% annually on the balance outstanding.

January 26, 2026
Date Issued

Nicole Pedron
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.