



**Order under Section 21.2 of the
Statutory Powers Procedure Act
and the Residential Tenancies Act, 2006**

Citation: 1932063 Ontario Inc. v Smith, 2026 ONLTB 7575

Date: 2026-01-22

File Number: LTB-L-051474-25-RV

In the matter of: 119 QUEEN ST
DUNNVILLE ON N1A1H6

Between: 1932063 Ontario Inc. Landlord

And

Thomas Smith Tenant

Review Order

1932063 Ontario Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Thomas Smith (the 'Tenant') because:

- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex involving the production of an illegal drug, the trafficking in an illegal drug or the possession of an illegal drug for the purposes of trafficking.

The application was resolved by order LTB-L-051474-25 issued on October 7, 2025.

On November 7, 2025 the eviction order was enforced by the Sheriff to remove the Tenant from **115 Queen St**, Dunnville. This order references two addresses because while the eviction notice, application, and order referred to one address (119 Queen St), the Tenant resided at and was evicted from a neighbouring address (115 Queen St). How the Tenant was evicted from 115 Queen St based on an order identifying 119 Queen St is not the subject of this order.

On December 18, 2025 the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On December 4, 2025 interim order LTB-L-051474-25-RV-IN was issued, which ordered the Landlord to preserve the Tenant's property and prohibited the Landlord from re-renting the rental unit **115 Queen St, Dunnville** until otherwise ordered.

This application was heard by videoconference on January 15, 2026.

The Landlord's agents, Danielle Lipson and Robert Yanch, and the Tenant attended the hearing.

Determinations:

Request to Review

1. The Tenant says he was unaware of the original hearing because all communication was sent to 119 Queen St, an address where he does not reside. The Landlord acknowledges that all documents and correspondence reference 119 Queen St in error – the Tenant actually resided at 115 Queen St – but says the notices were served personally so the incorrect address was a clerical error which did not impact service.
2. The Board's records indicate the Notice of Hearing was sent to the Tenant by regular mail at the address of the rental unit on the application – 119 Queen St. The Landlord did not file a certificate of service showing that they had served the notice of hearing independently of the Board. While the Board requires Landlords to serve notices of hearing at certain times during postal disruptions, there is no order to serve accompanying the notice of hearing in this case. The certificate of service the Landlord was able to identify during the hearing was for serving a copy of the order on October 7, 2025 after the hearing was completed.
3. As there is no evidence to confirm that the Tenant was served with the notice of hearing in any manner other than the standard practice of service by the Board – which was sent to an address where the Tenant does not reside – I am satisfied that the Tenant was likely unaware of the hearing and accordingly not reasonably able to participate.
4. The request to review is granted. As a result, order LTB-L-051474-25 issued on October 7, 2025 was cancelled, and a new hearing was held to consider the merits of the original application.

Merits of the Original Application

5. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the application is dismissed.
6. On June 17, 2025, the Landlord gave the Tenant an N6 notice of termination which identified the rental unit as 119 Queen St, Dunnville, Ontario N1A 1H6. The parties agree that the Tenant does not reside at or lease 119 Queen St, and the address on the notice is incorrect.
7. Section 43(1)(a) of the *Residential Tenancies Act, 2006* (the 'Act') requires that a notice of termination shall identify the rental unit for which the notice is given. The N6 does not correctly identify the rental unit and is therefore invalid.
8. While section 212 of the Act provides that a notice containing an error may be considered substantially compliant with the Act and therefore valid if the error does not significantly prejudice a party's ability to participate in a proceeding, I am not satisfied that this notice is substantially compliant. The error is not minor – it identifies a different unit and led to

mailed correspondence being misdelivered. Section 212 is typically applied to notices containing minor typographical errors, such as transposition of letters within a name, or minor omissions. Misidentification of a rental unit is not a minor error which can be amended, it is a fundamental flaw which renders the notice invalid.

9. An application for eviction cannot proceed based on an invalid notice, therefore the application must be dismissed.

It is ordered that:

1. The request to review order LTB-L-051474-25 issued on October 7, 2025 is granted.
2. Order LTB-L-051474-25 issued on October 7, 2025 is cancelled and replaced by the following:
 - a) The application is dismissed.
3. The Landlord shall immediately allow the Tenant to recover possession of the rental unit **115 Queen St, Dunnville** and provide the Tenant with keys to the doors of the rental unit and the residential complex.
4. The Landlord shall not re-rent the unit **115 Queen St, Dunnville** to anyone else.
5. The Landlord shall not dispose of, damage or otherwise interfere with any of the Tenant's belongings that are located in the rental unit or the residential complex.
6. If the Landlord does not allow the Tenant to recover possession of the unit, the Tenant may file this order with the Court Enforcement Office (Sheriff) so that the order may be enforced.
7. Upon receipt of this order, the Enforcement Office is directed to give possession of the unit to the Tenant.

January 22, 2026

Date Issued

Dawn Carr

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.

The Part of this order allowing the Tenant to recover possession of the unit at 115 Queen St, Dunnville and prohibiting the Landlord from re-renting the unit to anyone else expires and cannot be enforced if:

- a) The Tenant does not file this order on or before February 6, 2026 with the Court Enforcement Office (Sheriff) which has territorial jurisdiction where the rental unit is located, or**
- b) The Tenant files this order with the Court Enforcement Office but the order has not been enforced on or before March 8, 2026.**