



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

File Number: LTB-L-064348-24

In the matter of: 33 MIRACLE TRAIL
BRAMPTON ON L7A0Y4

Between: Kenit Mistry Landlords
Purvi Mistry

And

Yvette Pitters Tenant

Kenit Mistry and Purvi Mistry (the 'Landlords') applied for an order to terminate the tenancy and evict Yvette Pitters (the 'Tenant') because the Landlords in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

The Landlords also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on November 5, 2025.

The Landlord's legal representative, Samila Waslat, the Landlords, the Landlord's witness, Pushpa Mistry, the Tenant's legal representative, Carol Mole and the Tenant attended the hearing.

Determinations:

Preliminary Issue

1. At the hearing, the Tenant's legal representative submitted that the N12 Notice of Termination is defective because it does not name all tenants to the tenancy. The Tenant requested that the application be dismissed.
2. The Tenant's legal representative filed a copy of the written tenancy agreement, which identifies Yvette Pitters and Sylvia Douglas as tenants. The tenancy agreement is signed by both tenants and by the Landlords. The Landlords confirmed that the tenancy with Sylvia Douglas has not been terminated.

3. Section 43 of the *Residential Tenancies Act, 2006* (the 'Act') requires a landlord to give a notice of termination to the tenant in the approved form. Where there is more than one tenant to a tenancy, notice must be given to all tenants.
4. Based on the above, I find that the N12 Notice of Termination names only one of the two tenants and does not include Sylvia Douglas, who remains a tenant under the tenancy agreement.
5. As the N12 Notice of Termination was not given to all tenants, it does not comply with the requirements of the Act and is therefore defective on its face.
6. As the Landlords' application relies on a defective notice of termination, the Board does not have the jurisdiction to terminate the tenancy and as such, the application must be dismissed.

It is ordered that:

1. The Landlord's L2 application is dismissed without prejudice.

January 27, 2026
Date Issued

Christina Philp
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.