



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-095001-25

In the matter of: 37, 54 CUMBERLAND
THUNDER BAY ON P7A4L2

Between: On Deck Hotel/1000896740 Ontario Inc. Landlord

And

Krzysztof Kiska Tenant

On Deck Hotel/1000896740 Ontario Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Krzysztof Kiska (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 January 27, 2026.

The Landlord's Agent, Casey Sellers and the Tenant attended the hearing.

Determinations:

1. At the hearing, the Landlord's Agent confirmed that the landlord named in the tenancy agreement is On Deck Hotel, and not Casey Sellers, who is identified as the landlord on the N5 Notice of Termination (the "N5 Notice").
2. At the hearing, I also raised the issue that the N5 Notice fails to identify the specific rental unit. The notice lists only the address of the residential complex and does not specify the unit number or otherwise distinguish the rental unit from other units within the complex.
3. Section 43(1) of the *Residential Tenancies Act, 2006* (the "Act") states:

43 (1) Where this Act permits a landlord or tenant to give a notice of termination, the notice shall be in a form approved by the Board and shall,

(a) identify the rental unit for which the notice is given;

(b) state the date on which the tenancy is to terminate; and

(c) be signed by the person giving the notice, or the person's agent.

4. Based on the above, I find that the N5 Notice does not comply with the mandatory requirements of section 43(1) of the Act. The notice incorrectly identifies the landlord, and it fails to identify the specific rental unit to which it applies. In a multi-unit residential complex, the omission of the unit number or other identifying information creates uncertainty and does not adequately inform the Tenant of the rental unit subject to the notice.
5. As compliance with section 43(1) of the Act is mandatory, and a defective notice of termination cannot be amended after it is given, I find that the N5 Notice is defective and void. Accordingly, the N5 Notice cannot support the Landlord's application.
6. After I made my ruling on the N5 Notice, the Landlord's Agent sought to withdraw the application, and I consented to the request.

It is ordered that:

1. The application having been withdrawn; the LTB's file is closed.

February 2, 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.