



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-071022-25

In the matter of: 1902, 9 CLEGG RD
MARKHAM ON L6G0H3

Between: Chen Chen Landlord

And

Andrew Nathanael Griffiths Tenant

Chen Chen (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Nathanael Griffiths (the 'Tenant') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was heard by videoconference on January 27, 2026.

Only the Landlord and Landlord's representative, Carson Frankum, attended the hearing.

As of 1:29 p.m., 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 Landlord served the Tenant a N12 Notice of Termination. The termination date set out in the N12 Notice of Termination was October 21, 2025.
2. Subsection 48(2) of the Act provides that:

The date for termination specified in the notice shall be at least 60 days after the notice is given and shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term.

3. The Landlord submitted that the rent is payable on the 1st day of the month. Therefore, I find that the rental period is from the 1st day of the month to the 31st day of each month. As

such, the termination date in the N12 Notice of Termination should have been the last day of the month being the 31st.

4. As a result, the Notice of Termination is defective. The Board does not have the jurisdiction to terminate a tenancy based on a defective Notice of Termination. Accordingly, the Landlord's Application shall be dismissed.
5. After, I delivered my decision orally, the Landlord sought to withdraw the application.
6. In accordance with subsection 200(4) of the Act, I consent to the withdrawal of the application.

It is ordered that:

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 The application having been withdrawn, the LTB's file is closed.

February 2, 2026

Date Issued

Vinuri Sivalingam

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.