



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-087497-25

In the matter of: 1204, 1240 CUMMINGS AVE
GLOUCESTER ON K1J0E3

Between: LUX PLACE II L.P. Landlord

And

Naomi Kabasele Tenant

LUX PLACE II L.P. (the 'Landlord') applied for an order to terminate the tenancy and evict Naomi Kabasele (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on January 12, 2026.

Only the Landlord's Agent Cora Wallace-Wade attended the hearing.

As of 1:38 pm, 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 with an invalid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice).
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. Subsection 43(2) of the Residential Tenancies Act, 2006 (the 'Act') requires notices of termination to "set out the reasons and details respecting the termination".
4. The importance of this mandatory requirement was discussed in *Ball v. Metro Capital Management Inc.*, [2002] O.J. No. 5931 [Ball], where the Court explained that there are several purposes for requiring a landlord to provide reasons and details, including the need to know the specific allegations against him or her in order to be in a position to know the case to be met and to decide whether to dispute the allegations made against him or her.

5. The Notice of Termination (N4) claimed rental periods from April 1, 2025, to October 3, 2025. As a result, the N4 was confusing on its face. In the absence of the Tenant, there was no evidence that the Tenant understood, and no prejudice was waived.
6. As a result, I found the N4 invalid and dismissed the Landlord's application without consideration of its merits. The Landlord may wish to seek legal advice with respect to their ability to file a new application and seek any remedies they would otherwise have sought through this application.

It is ordered that:

1. The Landlord's application is dismissed.

February 5, 2026
Date Issued

Brenda Mercer
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.