



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

File Number: LTB-L-094093-25

In the matter of: 1, 96 Edna
KITCHENER ON N2H2E5

Between: Philip Daniel Nunes Landlord

And

Perry Shantz Tenant

Philip Daniel Nunes (the 'Landlord') applied for an order to terminate the tenancy and evict Perry Shantz (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 29, 2026.

Only the Landlord attended the hearing.

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.

Preliminary Issue:

1. The Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The termination date on the N4 Notice was December 1, 2025. The earliest date the Landlord could have filed an L1 application with the LTB is the day after the termination date. The Landlord filed the L1 application on November 20, 2025. The L1 application was filed prematurely and cannot lead to an eviction.
2. The Landlord sought an eviction and elected not to proceed with arrears only when given the option. As a result, the Landlord elected to withdraw their application.

It is ordered that:

1. The L1 application is withdrawn. The Board's file is closed.

February 3, 2026

Date Issued

Brett Lockwood

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.