



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-096117-25

In the matter of: Upper - 537224 Main Street
Melancthon ON N0J1M0

Between: Surinder Kaloti Landlord
Balwant Kaloti
Sukwinder Kaloti

And

Bailey Jean Reid Tenant

Surinder Kaloti, Balwant Kaloti and Sukwinder Kaloti (the 'Landlord') applied for an order to terminate the tenancy and evict Bailey Jean Reid (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlord Sukwinder Kaloti, Landlord's legal representative Brenda Rizzo, Landlord's support Amritpal Kaloti, and the Tenant attended the hearing.

Preliminary Issue:

1. The Board raised a preliminary issue regarding the correct address of the rental unit. The parties agree that the residential building contains two units: an upper unit and a basement unit. They further agree that the proper address for the rental unit is Upper – 537224 Main Street, Melancthon, Ontario, N0J 1M0. The L1 application is therefore amended to reflect this address.
2. The N4 Notice served by the Landlord did not include the designation “Upper.” The parties were invited to make submissions on the validity of the notice in light of s. 43(1)(a) of the *Residential Tenancies Act, 2006* (the “Act”), which provides:

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.

3. The Landlord submitted that the Tenant more than likely understood the notice pertained to the rental unit, that the Tenant suffered no prejudice from the omission of the word “Upper”, and that the notice was in substantial compliance with the Act.

4. The Tenant submitted that the omission on the N4 Notice resulted in confusion. Specifically, they were uncertain whether the notice related solely to rent or also to utilities, which they directly pay to the basement unit. In the application the Tenant is also disputing the amount of monthly rent, which further contributes to the ambiguity regarding whether the N4 Notice addressed rent alone or rent and utilities.
5. After considering the parties' submissions, I find that the N4 Notice is defective on its face. Per section 43(1)(a) of the Act, the Landlord was required to properly identify the rental unit. By omitting the term "Upper," the notice creates legitimate uncertainty as to whether it pertains to the Tenant's rental unit. I find that the Landlord cannot be saved pursuant to section 212 of the Act, as the N4 Notice created too much ambiguity, which deprived the Tenant the ability to void the notice of termination.
6. The Landlord indicated that if the N4 Notice were found defective, they wished to withdraw the application. I grant this request. The Tenant did not oppose withdrawal in the event of such a finding.
7. As the application has been withdrawn, the Board's file is closed.

February 5, 2026
Date Issued

Brett Lockwood
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.