



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

File Number: LTB-L-094077-25

In the matter of: A, 33 OLD HWY 15 LOMBARDY RD
RIDEAU LAKES ON K0G1L0

Between: WENDY NOLAN Landlord

And

PATRICIA BEST Tenants
JEREMIAH POYNTER

WENDY NOLAN (the 'Landlord') applied for an order to terminate the tenancy and evict PATRICIA BEST and JEREMIAH POYNTER (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on January 20, 2026.

The Landlord and the Tenants attended the hearing.

Preliminary Issues:

1. A preliminary issue was raised regarding the validity of the N4 Notice.
2. On review on the N4 Notice, it was found to be missing the unit number in the rental address and the dates in the chart were confusing. Additionally, upon review of the Certificate of Service, I found the Landlord served the Tenants with the N4 Notice on October 9, 2025, with a termination date of October 16, 2025.
3. The *Residential Tenancies Act, 2006* (the 'Act') states the following:

Section 191(3)

"A notice or document given by mail shall be deemed to have been given on the fifth day after mailing."

Section 59(1)

"If a Tenant fails to pay rent lawfully owing under a tenancy agreement, the Landlord may give the tenant notice of termination of the tenancy effective not earlier than,

(b) the 14th day after the notice is given, in all other cases.”

4. In this case, the date of service of the Notice is deemed to be October 9, 2025. The notice specifies a termination date of October 16, 2024, which is contrary to section 50 of the Act, as service was only 7 days prior to the termination date.
5. 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.