



Order under Section 69 Residential Tenancies Act, 2006

Citation: JAMIALAHMADI v LYNN MARGE WHITNEY, 2026 ONLTB 11713

Date: 2026-02-04

File Number: LTB-L-090725-25

In the matter of: 11 MORTON AVE
SHARON ON L0G1V0

Between: BENJAMIN JAMIALAHMADI Landlord

And

TONYA LYNN MARGE WHITNEY Tenant
ANDREW MICHAEL FULLER

BENJAMIN JAMIALAHMADI (the 'Landlord') applied for an order to terminate the tenancy and evict TONYA LYNN MARGE WHITNEY and ANDREW MICHAEL FULLER (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully caused undue damage to the premises;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex used the rental unit or the residential complex in a manner that is inconsistent with use as a residential premises and that has caused or can be expected to cause significant damage.

This application was heard by videoconference on January 30, 2026.

Only the Landlord attended the hearing.

As of 9:34 a.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. Subsection 43(2) of the *Residential Tenancies Act*, 2006 (the 'Act') provides that a notice of termination given by a landlord to a tenant must set out the reasons and details for the notice.
2. The Divisional Court's decision in *Ball v. Metro Capital Property*, [2002] O.J. No. 5931 (Ball v. Metro) held that the kinds of particulars that should be contained in a notice which is about a tenant's behaviour should include "dates and times of the alleged offensive conduct together with a detailed description of the alleged conduct engaged in by the tenant". The purpose of this is to provide the Tenant with adequate notice of the allegations against them, so that they are in a position to defend against those allegations.
3. The N7 notice of termination ("N7") which forms the basis of the Landlords application does not provide sufficient details. The notice checks off three different reasons and cites a number of incidents and behaviours, but does not provide any dates on which the incidents/behaviours occurred, and does not specify which incident/behaviour relates to which reason checked in the N7.
4. Given the above, I find that there are insufficient details contained in the N7 for the Tenant to know the case against them, and that therefore the N7 does not meet the requirements pursuant to section 43(2) of the Act to ground a valid notice of termination. The Landlord's application therefore must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

February 4, 2026
Date Issued

Benjamin Seigel
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.