



Order under Section 69 Residential Tenancies Act, 2006

Citation: Otkiditshev v Perehinets, 2026 ONLTB 11945

Date: 2026-02-05

File Number: LTB-L-063208-25

In the matter of: 242 ASPENWOOD DR
NEWMARKET ON L3X3K7

Between: Vera Otkiditshev Landlord

And

Vlad Perehinets Tenants
Elizaveta Nikolskaia

Vera Otkiditshev (the 'Landlord') applied for an order to terminate the tenancy and evict Vlad Perehinets and Elizaveta Nikolskaia (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or a person the Tenants permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

This application was heard by videoconference on November 25, 2025.

The Landlord, the Tenants, and the Tenants' legal representative, B. Alfred, attended the hearing. V. Otkiditshev, was also present as the Landlord's witness.

Determinations:

1. At the outset of the hearing, the Tenants' representative raised a preliminary issue on the validity of the N7 notice.
2. The Tenants representative argues that:
 - a) The unit number is missing from the N7 notice of termination;
 - b) the notice does not amount to serious impairment of safety on the basis of one isolated smoking incident;
 - c) the date of the alleged unit inspection is incorrect; and
 - d) the Landlord operates a three-unit dwelling.
3. The Landlord is opposed and takes the position that the notice is valid. The notice was personally served on the Tenants, as such, there is no confusion on who the notice is for.

The Landlord acknowledged that she erred with respect to the unit inspection by one day, the inspection occurred on June 2, 2025, not June 1, 2025 as detailed in the notice, however, the issue is not the date of the events, but the conduct of the Tenants serious impairment of safety. The Tenants are smoking in the unit and have removed the smoke detector which is a serious impairment of safety.

4. Section 43(2) of the *Residential Tenancies Act, 2006*, the ("Act"), provides that, a notice of termination must set out the reasons and details respecting the termination. The reasons and details a landlord is required to provide under s. 43(2) of the Act must give a tenant enough information to know the case they have to meet and to decide whether to dispute the allegations made against them. [See *Ball v. Metro Capital Property.*, [2002] O.J. No. 5931 (Ont. Div. Ct.) at para. 10].
5. Strict compliance is required with section 43 of the Act. A notice of termination which does not comply with the mandatory content requirements of the Act is void and cannot be amended or corrected. [See *Bianchi v. Aguanno*, 1983 CanLII 1967 (ONSC), (1983), 42 O.R. (2d) 76 (Div Ct) and *Vu v. Kiumarsi*, 2021 CanLII 115915 (ON LTB) at para. 7].
6. In this case, the Landlord acknowledged that she made an error with the date of inspection, accordingly, the incorrect inspection date of June 1, 2025 will not be considered in my determination.
7. This leaves a single incident of alleged smoking in the unit on April 11, 2025. The Landlord argues that although only one date is referenced in the notice, there are many dates prior to April 11, 2025 that the Tenants have smoked in the unit. As the additional dates are not detailed in the notice of termination, they cannot be considered in my determination.
8. On the basis of the submissions made, I am not satisfied that a single smoking incident amounts to serious impairment of safety. This issue may be appropriately addressed through an N5 notice of termination for substantial interference, however, such application is not properly before me.
9. As I am not satisfied that a single incident of smoking amounts to a serious impairment of safety, the question of whether the Tenants smoked inside the unit is not determinative, as such, the Landlord's application is dismissed.
10. As the application is being dismissed, the other preliminary issues raised by the Tenants' representative are moot.

It is ordered that:

1. The Landlord's application is dismissed.

February 5, 2026
Date Issued

Mayra Sawicki
 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.