



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-047030-25

In the matter of: 1, 52 COMMUTER DR
BRAMPTON ON L7A0R3

Between: JIGNASHA AMBARISH DESAI Landlord
AMBARISH S DESAI

And

TEMPHO INC Tenant

JIGNASHA AMBARISH DESAI and AMBARISH S DESAI (the 'Landlord') applied for an order to terminate the tenancy and evict TEMPHO INC (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises;
- the number of persons living in the unit on a continuing basis is more than permitted by health, safety or housing standards;

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on December 11, 2025.

The Landlord Jignasha Ambarish Desai and the Tenant Edeme Kelikume attended the hearing.

When the capitalized word "Landlord" is used in this order, it refers to all persons or companies identified as a Landlord at the top of the order.

Determinations:

1. This application is an L2 application to terminate the tenancy and evict the Tenant based on an alleged second N5 notice. At the outset of the hearing, the Landlord confirmed that no first N5 notice was ever served on the Tenant. The Landlord cannot rely on a second N5 where no first N5 existed. Therefore, the Landlord's grounds for bringing the L2 application are not supported.

2. At the hearing, the Landlord sought to amend the application by changing the grounds on which the eviction was sought and by requesting additional remedies unrelated to the second N5 alleged in the filed application. These new grounds were not raised in the original N5 notice nor in the application filed with the Board.
3. An applicant may not amend an application in a way that would introduce new grounds for termination or new remedies that were not properly served on the Tenant through the required notice of termination. Allowing such an amendment would be procedurally unfair to the Tenant and contrary to the notice requirements of the Residential Tenancies Act, 2006 (the “Act”).
4. For these reasons, the Landlord’s request to amend the application is denied.
5. Because the Landlord relies on a “second N5” that is invalid and no valid first N5 was ever served, the L2 application must be dismissed.

It is ordered that:

1. The Landlord’s application is dismissed.

February 6, 2026
Date Issued

Kyle Anderson
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.