



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-106542-25

In the matter of: Upper Unit, 15 Wetherburn Drive
Whitby ON L1P1M6

Between: Banutheepa Shanmuganathan Landlord

And

Shannon Kelly Tenants
Ryan Matheson

Banutheepa Shanmuganathan (the 'Landlord') applied for an order to terminate the tenancy and evict Shannon Kelly and Ryan Matheson (the 'Tenants') because:

- the Tenants have been persistently late in paying the Tenants' rent.

This application was heard by videoconference on February 3, 2026.

The Landlord and the Tenants attended the hearing.

Determinations:

1. On December 16, 2025, the Landlord gave the Tenants an N8 notice of termination alleging that the Tenants persistently failed to pay the rent on the date it was due.
2. This notice of termination was deemed defective for two reasons. First, because the Landlord failed to identify the rental unit on the notice of termination and second, the Landlord failed to provide sufficient details on the notice of termination, such as when the Tenants paid the rent late.
3. Section 43(1) of the *Residential Tenancies Act*, 2006 (the 'Act') states in part that the notice of termination must identify the rental unit for which the notice is given.
4. Section 43(2) of the Act states in part that the notice of termination must also set out the reasons and details respecting the termination.
5. In the N8 notice of termination the Landlord only stated that since August 2025, rent payments have been consistently late. The Landlord failed to set out the dates when the rent was due and the dates when the Tenants in fact paid the rent.

6. The Landlord cannot make an application to terminate a tenancy based on a defective notice to terminate a tenancy.
7. As such, the Landlord's application shall be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

February 9, 2026
Date Issued

Jana Rozehnal
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.