



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-085291-25

In the matter of: 9, BOX 69 PO BOX 656
DOWLING ON P0M1R0

Between: Lucille Gattoni Landlord

And

Adrienne Tryl Tenant

Lucille Gattoni (the 'Landlord') applied for an order to terminate the tenancy and evict Adrienne Tryl (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

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

Only the Landlord and the Landlord's Agent Claudette Biro attended the hearing.

As of 9:17am, 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:

The Service of the 1st N5

1. The certificate of service provided by the Landlord indicates that the first N5 was served on the Tenant on October 10, 2025. However, the first N5 contains a termination date of July 2, 2025.
2. The Landlord testified that the 1st N5 was served by her agent Claudette Biro and the hearing was stood down so that Ms. Biro could attend to provide testimony as to the service of the 1st N5.
3. Ms. Biro testified that both N5's were served by placing them in the Tenant's mailbox. However, she could not recall when they were served on the Tenant.

4. Section 64 of the Residential Tenancies Act, 2006 (“the Act”) states:

64 (1) A landlord may give a tenant notice of termination of the tenancy if the conduct of the tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant is such that it substantially interferes with the reasonable enjoyment of the residential complex for all usual purposes by the landlord or another tenant or substantially interferes with another lawful right, privilege or interest of the landlord or another tenant. 2006, c. 17, s. 64 (1).

Notice

(2) A notice of termination under subsection (1) shall,

(a) provide a termination date not earlier than the 20th day after the notice is given;

(b) set out the grounds for termination; and

(c) require the tenant, within seven days, to stop the conduct or activity or correct the omission set out in the notice. 2006, c. 17, s. 64 (2).

5. As the certificate of service indicates that the 1st N5 was served on the Tenant October 10, 2025, and the agent could not recall when the 1st N5 was served I am not satisfied that the Landlord has complied with section 64(2)(a) of the Act.

6. Therefore, as the Landlord has not demonstrated that they have a valid 1st N5, they were not able to serve the 2nd non-viable N5, and the Landlord’s Application shall be dismissed.

It is ordered that:

1. The Landlord’s Application is dismissed.

February 17, 2026

Date Issued

Reid Jackson

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.

