



**Order under Section 69 / 88.2
Residential Tenancies Act, 2006**

File Number: LTB-L-086546-25

In the matter of: Basement, 10 ARCTIC FOX CRES
BRAMPTON ON L6R0J2

Between: Donna Aris Landlord

And

Anntonette Henry Tenant

Donna Aris (the 'Landlord') applied for an order to terminate the tenancy and evict Anntonette Henry (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 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.

Donna Aris (the 'Landlord') also applied for an order requiring Anntonette Henry (the 'Tenant') to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

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

The Landlord and the Landlord's Agent Kareema Bartley and the Tenant attended the hearing.

Determinations:

The Certificate of Service

1. At the hearing I raised that the Landlord had not provided a Certificate of Service to the Board for either the 1st or 2nd N5.

2. The Landlord's Agent Kareema Bartley testified that she served both the 1st and 2nd N5 to the Tenant via email. She testified that the 1st N5 was served on September 5, 2025, and the 2nd N5 was served on January 17, 2026.
3. The Tenant testified that she recalled receiving multiple N5's including one served via WhatsApp on September 20, 2025, and others via email, though she could not recall when the others were served.
4. Section 53 of Ontario Regulation 516/06 states:

53. An application to the Board must be accompanied by the following information:

1. If the application is with respect to a notice of termination on any ground, a copy of the notice of termination and a certificate of service of the notice of termination, if notice was given by the landlord.
 2. If the application is with respect to a notice of termination for demolition, conversion repair or severance, in addition to the information required by paragraph 1, evidence, where required, that the landlord paid the necessary compensation required under section 52, 54 or 55 of the Act or found acceptable alternative accommodation for the tenant.
 3. If the application is with respect to a notice of termination due to a second contravention in six months, in addition to the information required by paragraph 1, a copy of the original notice of termination and a copy of the certificate of service of the original notice of termination.
 4. If the application is made under section 77 of the Act with respect to an agreement to terminate the tenancy, a copy of the agreement.
 5. If the application is with respect to a review of a work order under section 226 of the Act, a copy of the work order. O. Reg. 516/06, s. 53.
5. I am not satisfied that the Landlord has complied with Section 53(3) of Ontario Regulation 516/06 as they have failed to provide the certificate of service for either N5 Notice of Termination to the Board, and the Application should be dismissed without consideration of the merits.
 6. Additionally, I note that the based on the Agents testimony, the Landlord has not complied with Section 68 of the Act which states:

Notice of termination, further contravention

68 (1) A landlord may give a tenant notice of termination of the tenancy if,

- (a) a notice of termination was given to the tenant under section 62, 64 or 67; and
- (b) more than seven days but less than six months after the notice mentioned in clause (a) was given to the tenant, an activity takes place, conduct occurs or a situation arises

that constitutes grounds for a notice of termination under section 60, 61, 62, 64 or 67, other than an activity, conduct or a situation that is described in subsection 61 (1) and that involves an illegal act, trade, business or occupation described in clause 61 (2) (a). 2006, c. 17, s. 68 (1); 2017, c. 13, s. 12.

Same

(2) The notice under this section shall set out the date it is to be effective and that date shall not be earlier than the 14th day after the notice is given. 2006, c. 17, s. 68 (2).

7. The Agent testified that the 1st N5 was served on September 5, 2025, and the 2nd was served on January 17, 2026. The Termination date in the 2nd N5 Notice of Termination contains a termination date of October 15, 2025. Therefore, If the 2nd N5 Notice was served on January 17, 2026, it does not provide 14 days notice of termination. Therefore, it must be dismissed.
8. The Landlord did not seek an order for utilities only, therefore the Landlord's Application shall be dismissed.

It is ordered that:

1. The Landlord's Application is dismissed.

February 18, 2026
Date Issued

Reid Jackson
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

