



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-081066-25

In the matter of: PH15, 1203 Maritime Way
Kanata ON K2K0H5

Between: Killam Apartment REIT Landlord

And

Justin Fazzino Tenant

Killam Apartment REIT (the 'Landlord') applied for an order to terminate the tenancy and evict Justin Fazzino (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 January 21, 2026.

Only the Landlord's Agent, Liz Schreader, the Landlord's Legal Representative, Donna Dames, and the Landlord's Witnesses, Michelle Dextras, Christine Goto attended the hearing.

As of 10:48 a.m., 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:

Preliminary Issue – Validity of the 1st N5 Notice

1. The Tenant was in possession of the rental unit on the date the application was filed.
2. On August 18, 2025, the Landlord gave the Tenant a first, voidable N5 notice of termination. This notice was served pursuant to subsection 64(1) of the *Residential Tenancies Act, 2006* (the 'Act'). Subsection 64(2) of the Act states that "a notice of termination under subsection (1) shall..(c) require the tenant, within seven days, to stop the conduct or activity or correct the omission set out in the notice."

3. In the notice before me, the Landlord failed to check the box which informs the Tenant that he has the opportunity to correct his behaviour and avoid eviction. Further, no details were provided in the N5 notice as to how the Tenant could correct the behaviour and avoid eviction. As the notice fails to comply with the mandatory requirements of the Act, it is invalid and this portion of the Landlord's application must be dismissed.
4. On September 26, 2025, the Landlord gave the Tenant a second N5 notice of termination. However, as the first notice was invalid, the Landlord lacked the authority under subsection 68(1) of the Act to serve a second notice. as a result, the Landlord's second N5 notice was invalid and the Landlord's application must be dismissed.
5. The Landlord sought to withdraw the application and I consented to the request.

It is ordered that:

1. The Landlord's application is withdrawn.

February 18, 2026

Date Issued

Christopher Lin

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.