



## **Order under Section 69 Residential Tenancies Act, 2006**

**File Number:** LTB-L-103415-25

**In the matter of:** 9 BENLIGHT CRES  
SCARBOROUGH ON M1H 1P4

**Between:** Bishnu Prasad Dhungana Landlord

**and**

Antonio Sfredel Tenant

Bishnu Prasad Dhungana (the 'Landlord') applied for an order to terminate the tenancy and evict Antonio Sfredel (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 17, 2026.

Only the Landlord and his spouse, Radhika Aryal, attended the hearing.

The Landlord consented for his spouse to speak on his behalf and remained present during the hearing.

As of 9:44 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

### **Determinations:**

1. Section 97(4) of the *Residential Tenancies Act, 2006* (Act) provides that if a Tenant has sublet a rental unit the Tenant remains entitled to the benefits, and is liable to the Landlord for the breaches, of the Tenant's obligations under the tenancy agreement or this Act during the subtenancy. That means that if there is a subtenancy and the rent is not paid, the Landlord must pursue the Tenant for the arrears, not the subtenant.
2. At the beginning of the hearing, the Landlord indicated that the individuals named on the N4 Notice are not all Tenants. Petre Filantezu, Sarbu Constantin, Maria Filantezu and Gabriel Dimofte are subtenants of Antonio Sfredel. During the hearing, I was referred to the lease agreement and the subtenancy agreement. I informed the Landlord that the only Tenant as per the lease agreement is Antonio Sfredel and I will amend the application to reflect the same. The Landlord did not object.

3. The certificate of service for the Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) indicates that on November 21, 2025, the Landlord served the subtenant, Maria Filantezu with the N4 Notice. The Landlord submitted that one envelope was served to the subtenant Maria Filantezu with the names of all subtenants and the Tenant. The Landlord also indicated that they are not sure if the Tenant resides at the property. Given the Landlord's submission, I informed the Landlord that I am not satisfied that the N4 Notice came to the attention of the Tenant 14 days prior to the termination date, as required by s.59 of the Act.
4. The Landlord then referred me to the lease agreement which authorizes service by email on the Tenant. The Landlord indicated that the Tenant's email address had changed from what is set out in the lease agreement.
5. Although the email from the Landlord to the Tenant is dated November 21, 2025, it does not attach a copy of the N4 Notice. The Landlord also informed me that the Tenant did not respond to the email and that they had a telephone conversation regarding the notice.
6. Subsection 191(2) of the *Residential Tenancies Act, 2006* ('the Act') provides:

“A notice or document that is not given in accordance with this section shall be deemed to have been validly given if it is proven that its contents actually came to the attention of the person for whom it was intended within the required time period.”
7. Based on the evidence before me, I am not satisfied that the N4 Notice came to the attention of the Tenant as required by subsection 59(1)(b) of the Act. The Landlord served one envelope containing the N4 Notice on Maria Filantezu who is a subtenant living in the rental property. The Landlord also sent an email to the Tenant but did not attach a copy of the notice. The matter was uncontested and neither Maria Filantezu nor the Tenant were present before me so that I can inquire further into the service.

**It is ordered that:**

1. The Landlord's application is dismissed.

**February 25, 2026**

**Date Issued**

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Adeela Alvez

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.