



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-101766-25

In the matter of: 93, 1096 JALNA BLVD
LONDON ON N6E3B8

Between: Rene Simard Landlords
Crystal Simard

And

Christina Kilmer Tenants
Celine Grandjean

Rene Simard and Crystal Simard (the 'Landlords') applied for an order to terminate the tenancy and evict Christina Kilmer and Celine Grandjean (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

The Landlords and the Tenants attended the hearing.

Determinations:

1. At the hearing the Landlords confirmed that the N4 Notice containing a termination date of November 24, 2025 was served on the Tenants on December 8, 2025, after the termination date on the N4 Notice.
2. Section 59(1) of the Residential Tenancies Act, 2006 (the "Act") states:
 - (1) If a tenant fails to pay rent lawfully owing under a tenancy agreement, the landlord may give the tenant notice of termination of the tenancy effective not earlier than,
 - (a) the 7th day after the notice is given, in the case of a daily or weekly tenancy; and
 - (b) the 14th day after the notice is given, in all other cases.
3. Based on the evidence and the provisions of the Act, I find that the N4 Notice served on the Tenants is defective. The N4 Notice specified a termination date of November 24, 2025, but was not served on the Tenants until December 8, 2025—after the stated termination date. Section 59(1) of the Act requires that a notice of termination for non-payment of rent provide

a termination date at least 14 days after the notice is given (for monthly or other non-daily/weekly tenancies). Because the termination date on the N4 predates its service, it does not comply with the statutory requirements. As a result, the Board has no jurisdiction to rely on this N4 Notice to terminate the tenancy.

4. It was explained to the Landlord the options available as a result of the defective N4 including withdrawing the L1 application, serving a new N4 notice and filing a new application or proceeding with the current application to collect arrears of rent only pursuant to section 87(1) of the Act. The Landlord was advised that proceeding with arrears of rent only would not include a provision terminating the tenancy.
5. As a result of my findings, the Landlords sought to withdraw the application, and I consented to the request.

It is ordered that:

1. The Landlords' application is withdrawn without prejudice.

March 4, 2026
Date Issued

Christina Philp
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.