



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

**File Number:** LTB-L-100943-25

**In the matter of:** 24B SONNET CRES  
NEPEAN ON K2H8W7

**Between:** Andrew Burns Landlord

**And**

Shelby Brown Tenant

Andrew Burns (the 'Landlord') applied for an order to terminate the tenancy and evict Shelby Brown (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises

This application was heard by videoconference on March 2, 2026.

Only the Landlord attended the hearing.

As of 1:36 p.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:**

1. The Tenant was in possession of the rental unit on the date the application was filed.
2. On November 21, 2025, the Landlord gave the Tenant an N5 notice of termination deemed served that same day. The allegations in the N5 notice were in regards to the unclean and cluttered state of the unit from November 6, 2025 to November 21, 2025 and damages to the unit as a result.
3. The Tenant vacated the rental unit on February 26, 2026.
4. As the Tenant is no longer in the unit, the application for termination of the tenancy is moot and therefore dismissed.

5. The Landlord requested to amend the application at the hearing to add a monetary claim for costs related to the Tenant's alleged willful or negligent damage to the rental unit or residential complex. Having considered the criteria under Rule 15 of the Board's Rules of Procedure, I did not find it appropriate to use my discretion to amend the application at the hearing. The Tenant would have been severely prejudiced as they were not made aware that the Landlord would be claiming for costs related to damage at the hearing, and the Landlord did not provide a satisfactory reason as to why they could not comply with the Board's Rules. The request was therefore denied, but that does not restrict the Landlord from seeking costs related to any alleged damage to the rental unit through a separate application.

**It is ordered that:**

1. The application is dismissed.

**March 10, 2026**  
**Date Issued**

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**Fotoula Hatzantonis**  
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.