



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-105269-25

In the matter of: Lower, 82 LIVERPOOL ST
GUELPH ON N1H2L1

Between: Mark Bailey Landlord

And

Kylie McDnell Tenant

Mark Bailey (the 'Landlord') applied for an order to terminate the tenancy and evict Kylie McDnell (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 February 23, 2026.

The Landlord attended the hearing.

As of 11:29am, 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. For the following reasons the Landlord's application is dismissed.
2. Section 62 of the *Residential Tenancies Act*, 2006 (the "Act") states:

Termination for cause, reasonable enjoyment

64 (1) A landlord may give a tenant notice of termination of the tenancy if the conduct of the tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant is such that it substantially interferes with the reasonable enjoyment of the residential complex for all usual purposes by the

landlord or another tenant or substantially interferes with another lawful right, privilege or interest of the landlord or another tenant. 2006, c. 17, s. 64 (1).

Notice

(2) A notice of termination under subsection (1) shall,

(a) provide a termination date not earlier than the 20th day after the notice is given;

3. Section 1.12 of the Board's Rules of Procedure for the Calculation of Time states:

1.13 When something must be done within a specific number of days, the days are counted by excluding the first day and including the last day.

4. The Landlord's certificate of service indicates the Landlord served the Tenant a N5 notice of termination on November 19, 2025 by leaving the notice in a place mail is normally collected.

5. The termination date set out in the notice is December 8, 2025.

6. The number of days from the service of the notice to the termination date is 19 days.

7. With the totality of the uncontested evidence and submissions before me and on a balance of probabilities I find the Landlord has provided the Tenant with a termination date not earlier than the 20th day after the notice and the Landlord's notice is invalid.

8. Therefore, the Landlord's application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

March 13, 2026
Date Issued

Greg Brocanier
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.