



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

File Number: LTB-L-073923-25

In the matter of: 3, 179 LOUTH ST
ST CATHARINES ON L2S0G6

Between: Westhills Care Centre Inc. - St. Catharines, Landlord
ON

And

Kraig Salmon Tenant

Westhills Care Centre Inc. - St. Catharines, ON (the 'Landlord') applied for an order to terminate the tenancy and evict Kraig Salmon (the 'Tenant') because the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

This application was heard by videoconference on March 10, 2026.

Only the Landlord's agents Connie Spiece and Matt Laframboise attended the hearing.

As of 9:27a.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. Rules 4.4 and 4.5 of the Board's Rules of Procedure ('the Rules') require that a landlord file a certificate of service that states when a notice of termination was served upon a tenant. The Landlord must do so at the time of filing their application or if that is not possible within 5 calendar days of filing. The Landlord failed to meet either deadline.
2. However, despite the Landlord's non-compliance with the Board's Rules the hearing was adjourned on December 16, 2025, in part to provide the Landlord with an opportunity to file a certificate of service. Interim order LTB-L-073923-25-IN issued on January 13, 2026, required the following: at least 14 days before the next hearing, the Landlord shall upload to the portal or email to the LTB's evidence email address, the N7 Notice, and the Certificate of Service of how the N7 Notice was served on the Tenant.
3. The Landlord failed to comply with the interim order and did not upload a certificate of service by the March 10, 2026 hearing date. However, despite the Landlord's non-

compliance with the interim order, I still gave the Landlord an opportunity to file the certificate of service on the hearing date.

4. The certificate of service filed by the Landlord on the hearing date (DOC-7536122) says that the notice of termination was served on August 25, 2025. The Landlord's agent confirmed that was the date of service at the hearing. The date of service cannot be August 25, 2025. The notice of termination (DOC-6958977, page 39) is signed on September 3, 2025 and contains allegations that occurred after August 25, 2025.
5. In order for eviction to be ordered under section 66 of the *Residential Tenancies Act*, 2006 ('the Act'), the Landlord had to serve the notice of termination 10 days prior to the termination date. The notice cannot possibly have been served on the day the Landlord claims. I have insufficient evidence before me to find that it was served on some other date. Additionally given the Landlord's continued non-compliance to provide the certificate of service and that the certificate that was finally provided contains inaccurate information I'm not satisfied that the notice was served at all. For those reasons the application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

March 17, 2026
Date Issued

Amanda Kovats
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.