



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

File Number: LTB-L-093022-25

In the matter of: 7, 10366 HWY 17
VERNER ON P0H2M0

Between: BHURPINDER SINGH Landlord

And

LEO MICHON Tenant

BHURPINDER SINGH (the 'Landlord') applied for an order to terminate the tenancy and evict LEO MICHON (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

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

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

The Landlord, the Landlord's legal representative, Katrina Eisenhour, and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On September 26, 2025, the Landlord gave the Tenant an N5 notice of termination pursuant to section 64 (1) of the *Residential Tenancies Act*, 2006 (the 'Act').
4. Pursuant to section 64(3) of the Act, the notice of termination under subsection (1) is void if the tenant, within seven days after receiving the notice, stops the conduct or activity or corrects the omission.

5. Pursuant to section 64(2) of the Act a notice of termination under subsection (1) must be given to the Tenant at least 20 days before the termination date set out on the notice of termination.
6. The termination date set out on the notice of termination is October 3, 2025.
7. In this instance the Landlord gave the Tenant the notice of termination 7 days before the termination date set out on the notice of termination. As such, the notice of termination is invalid.
8. A landlord cannot seek termination of a tenancy based on an invalid notice of termination.
9. In an attempt to correct the invalid first N5 notice of termination, the Landlord gave the Tenant a second N5 notice of termination pursuant to section 68 of the Act on October 16, 2025. This notice of termination is essentially the same as the first N5, but for one more alleged incident.
10. Section 68 of the Act states that a landlord may give a tenant notice of termination of the tenancy if a notice of termination was given to the tenant under section 62, 64 or 67 of the Act and more than seven days but less than six months after the first notice was given to the tenant, an activity takes place, conduct occurs or a situation arises that constitutes grounds for a notice of termination under those sections.
11. This second N5 notice of termination given pursuant to section 68 is a non-voidable notice. This means that section 68 of the Act does not give a tenant the opportunity to void the notice by stopping the conduct or activity or correcting the omission, as does section 64 of the Act.
12. In order for a landlord to give a tenant a second (non-voidable) N5 notice of termination pursuant to section 68 of the Act, the landlord must have given the tenant a valid first N5 notice of termination pursuant to section 64 (or 62 or 67) of the Act. In other words, the tenant must have had an opportunity to correct the complained of conduct, before having been given a non-voidable notice of termination.
13. In this instance, there was no valid first N5 notice of termination. As such, the Landlord was not entitled to serve the Tenant a second non-voidable notice of termination. When the Landlord realized that his first N5 notice of termination was invalid, he should have served a new voidable N5 notice of termination pursuant to section 64 of the Act. The Landlord cannot cure an invalid first voidable N5 notice of termination given pursuant to section 64 of the Act by serving a second non-voidable N5 notice of termination pursuant section 68 of the Act
14. As such, the Landlord's application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

March 16, 2026
Date Issued

Jana Rozehnal
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.