



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-087044-25

In the matter of: 66 Red River Crescent
Scarborough ON M1B1Z6

Between: Dave Brown Landlord
Rushell Brown

And

Devon Minott Tenant

Dave Brown and Rushell Brown (the 'Landlord') applied for an order to terminate the tenancy and evict Devon Minott (the 'Tenant') because:

- the tenant did not pay the rent that the Tenant owes.
- the number of persons living in the unit on a continuing basis is more than permitted by health, safety or housing standards.

This application was heard by videoconference on January 28, 2026.

The Landlords and the Tenant attended the hearing.

Determinations:

1. The Landlord has not properly identified the rental unit. The N4 and N5 notices describe the rental unit as "66 Red River Crescent, Scarborough, ON M1B 1Z6." At the hearing, the parties testified that the rental unit is a basement unit.
2. Subsection 43(1) of the *Residential Tenancies Act, 2006* (the 'Act') sets out the minimum requirements for a notice of termination of a tenancy. Section 43(1) of the Act states:

Where this Act permits a landlord or tenant to give a notice of termination, the notice shall be in a form approved by the Board and shall,

(a) Identify the rental unit for which the notice is given...

3. The proper identification of the rental unit is a strict statutory requirement. It is required to ensure that the tenant is given notice that his or her unit is subject to a request to terminate the tenancy and, where applicable, allow the tenant to void the notice. Additionally, the proper identification of the rental unit is to ensure that eviction by the Sheriff occurs only at

the portion of the property that is the subject of the tenancy agreement, hereby ensuring another unit at the property is not affected by the eviction.

4. As the N4 notice and N5 notice does not identify the rental unit, the notices are defective.
5. As a result of the defects with the notices, the options were explained to the Landlord including the possibility to withdraw the L1 Application to correct the N4 notice in order to pursue eviction or to withdraw the application. The Landlord sought to withdraw the L1 and L2 application and I consented to the request.

It is ordered that:

1. The Landlord's L1 and L2 applications are withdrawn.

March 17, 2026
Date Issued

Christopher Lin
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.