



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-089107-25

In the matter of: LOWER UNIT, 65 LONG ISLAND CRES
SCARBOROUGH ON M1C5E4

Between: EMILIA NOVIELLI Landlord

And

AUSTIN HUNT Tenant

EMILIA NOVIELLI (the 'Landlord') applied for an order to terminate the tenancy and evict AUSTIN HUNT (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 4, 2026.

The Landlord's Legal Representative, Carlofelice-Sebastiano Gazzé, the Landlord, the Landlord's Witness, Grace Beneventano, and the Tenant attended the hearing.

Determinations:

1. At the hearing, I determined that the N5 notice of termination on which this application is based was defective as the notice does not indicate whether it is a voidable first notice given under section 64 of the *Residential Tenancies Act, 2006* (the 'Act') or a second non-voidable notice given under section 68 of the Act. This is important, because the Tenant must know if they have the opportunity to void the notice pursuant to section 64(3) of the Act.
2. The Landlord's Legal Representative stated it was an error on their part and not the error of the Landlord. They submitted it would be prejudicial to the Landlord if there is no eviction ordered, as the Landlord has tried to work with the Tenant on the issues in relation to the application.

3. The Tenant testified that he is unsure if this is the first N5 notice of termination that he received, and he was not aware of his right that he had 7 days to correct his behaviour and void the notice.
4. Ultimately, I find that the N5 Notice did not have fundamental information about whether the Tenant could void the notice and it appears that the Tenant was unaware he had that right. I find that the N5 Notice is invalid and accordingly the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

March 19, 2026
Date Issued

Samantha Greaves
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.