



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

File Number: LTB-L-102230-25

In the matter of: 45 PARK LANE CIR
NORTH YORK ON M3C2N3

Between: Afshin Yazdani Landlord

And

10263478 Canada Inc Tenant

Afshin Yazdani (the 'Landlord') applied for an order to terminate the tenancy and evict 10263478 Canada Inc (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 March 12, 2026.

The Landlord, Tenant's legal representative Robert Wood, and the Tenant's agent Oxanna Nourse attended the hearing.

Preliminary Issue:

1. The L2 application is based on a second N5 Notice. The application, filed on December 3, 2025, included copies of the first N5 Notice, the second N5 Notice, and the certificate of service for the second N5 Notice only.
2. The Landlord was asked whether the first N5 Notice had been served on the Tenant. The Landlord stated that he sent an employee to the rental unit on August 14, 2025, to place the notice in the unit's mailbox. The Landlord was invited to upload the certificate of service for the first N5 Notice to TOP so that the Board could determine whether service complied with the Rules of Procedure.

3. The Landlord subsequently uploaded a certificate of service for the first N5 Notice. The certificate, dated August 14, 2025 and signed by the Landlord, indicated that the Landlord himself had served the notice. When questioned about the inconsistency between this document and his earlier statements, the Landlord changed his account and stated that he had personally served the Tenant at the rental unit.
4. The Landlord also emailed the first N5 Notice to both the Tenant and the Tenant's lawyer. The Landlord confirmed that he did not have written consent from the Tenant to serve termination notices by email.
5. After reviewing the certificate of service and the Landlord's oral submissions, I was not satisfied that the first N5 Notice was served in accordance with the Rules of Procedure. The Landlord's statements were inconsistent and did not establish proper service on the Tenant. As a result, I found that the first N5 Notice was not validly served. Consequently, it was improper for the Landlord to issue a second N5 Notice within six months, as this deprived the Tenant of the opportunity to correct the behaviour alleged in the first notice.
6. Additionally, the Landlord is required to file both N5 Notices and their corresponding certificates of service with the application.
7. Rule 4.4 and 4.5 of the Rules of Procedure state:
 - 4.4** Where the LTB permits an application to be filed using TOP, any related Notice of Termination, affidavit, or Certificate of Service must be also uploaded at the time of filing.
 - 4.5** If the Notice of Termination, affidavit or Certificate of Service cannot be uploaded at the same time as the application is filed using TOP, they must be filed with the LTB within 5 calendar days of filing. Failure to file these documents in time may result in administrative dismissal of the application
8. Furthermore, section 53(3) of O. Reg. 516/06 of the *Residential Tenancies Act* (the Act) states:
 - 53** An application to the Board must be accompanied by the following information:
 3. If the application is with respect to a notice of termination due to a second contravention in six months, in addition to the information required by paragraph 1, a copy of the original notice of termination and a copy of the certificate of service of the original notice of termination.
9. Regardless of the issue surrounding the service of the first N5 Notice, the L2 application would have been dismissed in any event as the Landlord failed to comply with the Rules of Procedure and section 53 of O. Reg. 516/06.

It is ordered that:

1. The L2 application is dismissed.

March 20, 2026
Date Issued

Brett Lockwood
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.