



Order under Subsection 87(1) Residential Tenancies Act, 2006

Citation: Jesmin v Cross, 2026 ONLTB 23704

Date: 2026-03-23

File Number: LTB-L-002282-26

In the matter of: 1309 COUNTY ROAD 28
FRASERVILLE ON K0L1V0

Between: Shaheda Jesmin Landlord

And

Tyler Cross Tenants
Jacinda Burkitt Cross

Shaheda Jesmin (the 'Landlord') applied for an order to terminate the tenancy and evict Tyler Cross and Jacinda Burkitt Cross (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 16, 2026.

The Landlord, Shaheda Jesmin, Landlord Support, Wasfi Kazi and the Tenants attended the hearing.

Determinations:

Validity of the N4 Notice

1. The N4 notice of termination ("N4 notice") only had Jacinda Burkitt Cross ("JBC") listed as a Tenant, however the application named two Tenants, Tyler Cross ("TC") and JBC. When asked, the Landlord indicated that TC and JBC were spouses and both Tenants.
2. The issue is that in order to properly terminate the tenancy both Tenants have to be given proper notice.
3. I am not satisfied that both Tenants were properly provided a valid notice of termination. Therefore, I find that the N4 notice was not valid as it did not name all Tenants.
4. Because the Board is unable to issue an order for eviction based on an invalid notice, the Landlord was offered the choice of proceeding with the L1 application based on a request for the arrears only or withdrawing the application. The Landlord chose to proceed on the basis of an application for arrears only.

Amount of arrears

5. As of the hearing date, the Tenants were still in possession of the rental unit.
6. The Tenants did not pay the total rent they were required to pay for the period from June 1, 2024, to March 31, 2026.
7. The lawful rent is \$2,800.00. It is due on the 1st day of each month.
8. The Tenants have not made any payments since the application was filed.
9. The Landlord provided a rent ledger indicating that the arrears owing to December 31, 2025 totalled \$23,400.00. The Landlord provided that rent for January 2026, February 2026, and March 2026 have also come due with no payments from the Tenants.
10. The Tenants did not present any evidence to dispute the amount of rent arrears owing.
11. I am satisfied that the rent arrears owing to March 31, 2026, are \$31,800.00.
12. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenants shall pay to the Landlord \$31,986.00. This amount includes rent arrears owing up to March 31, 2026, and the cost of the application.
2. If the Tenants do not pay the Landlord the full amount owing on or before April 3, 2026, the Tenants will start to owe interest. This will be simple interest calculated from April 4, 2026, at 4.00% annually on the balance outstanding.

March 23, 2026
Date Issued

Nicole Pedron
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.