



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-001863-26

In the matter of: UNIT B, 70 ASHBERRY PL SAINTHOMAS
ASHBERRY PL SAINTHOMAS ON N5R 0H9

Between: Muhammad Zunair Mushtaq Landlord

and

Daradics Samantha Louise Tenants
Ward Mathew James

Muhammad Zunair Mushtaq (the 'Landlord') applied for an order to terminate the tenancy and evict Daradics Samantha Louise and Ward Mathew James (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 17, 2026.

Only the Landlord attended the hearing.

As of 1:31 p.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board. There was no record of a request to adjourn the hearing.

Determination:

1. At the beginning of the hearing, I raised a preliminary issue with the Landlord's Notice to End Tenancy Early for Non-payment of Rent Notice (N4 Notice). The Landlord did not use the Board's form; he confirmed during the hearing that he created his own notice of termination on a word document.
2. Subsection 43(1) of the *Residential Tenancies Act, 2006* (the 'Act'), provides 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;
 - (b) state the date on which the tenancy is to terminate; and
 - (c) be signed by the person giving the notice, or the person's agent. 2006, c. 17, s. 43 (1).

3. In this case, the Landlord did not serve the Tenant with a Notice to End Tenancy Early for Non-payment of Rent Notice (N4 Notice) using a Board approved form as required s. 43(1) of the Act. I have considered whether the notice substantially complies with the requirements of the Act, subsection 212(1)(2) of the Act provides:
 - (1) Substantial compliance with this Act respecting the contents of forms, notices or documents is sufficient.
 - (2) For greater certainty, an error in the contents of a form, notice or document still constitutes substantial compliance with this Act, as long as the error does not significantly prejudice a party's ability to participate in a proceeding under this Act.
4. I have assessed the Landlord's notice with the requirements in s.43 and s.59 of the Act. Although the Landlord's notice identifies the rental unit, states the amount of rent owing, includes the termination date, and is signed by the Landlord, it does not provide the Tenant clear information regarding the Tenant's rights including how to void the notice. As a result, I am not satisfied that the Landlord's notice meets the threshold of substantial compliance in accordance with s.212.
5. Further, the Landlord did not file with the Board a certificate of service for the N4 Notice as required by s.53 of O.Reg. 516/06 under the Act. I provided the Landlord time during the hearing to upload a valid N4 notice, he returned with a notice served two weeks prior to the hearing. Therefore, I am not satisfied that the Landlord served the N4 Notice on the Tenant at least 14 days before the N4 termination date as required by s.59(2) of the Act.

It is ordered that:

1. The Landlord's application is dismissed.

March 31, 2026
Date Issued

Adeela Alvez
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.