



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-001591-26

In the matter of: 16 SERGIO MARCHI STREET
TORONTO ON M3L0B6

Between: RASHID KARIM SHAIKH Landlord
ERUM SHAIKH

And

NATHAN ROBERT SMITH Tenant

RASHID KARIM SHAIKH and ERUM SHAIKH (the 'Landlord') applied for an order to terminate the tenancy and evict NATHAN ROBERT SMITH (the 'Tenant') because:

- the Tenant did not pay the rent that the Tenant owes (L1 Application); and
- the Tenant has been persistently late in paying the Tenant's rent; (L2 Application).

This application was heard by videoconference on March 12, 2026.

The Landlord Rashid Karim Shaikh and the Tenant attended the hearing.

Defective N4 and N8 Notices

1. At the hearing a preliminary issue arose with respect to the validity of the N4 Notice of Termination ('N4 notice') and N8 Notice of Termination ('N8 notice'). This relates to the N4 notice lacking signature of the Landlord and no total of arrears amount. The N8 notice contained a fatal defect, specifically, an incorrect termination date.
2. The Residential Tenancies Act, 2006 (the "Act") at section 59(2) requires particular contents of an N4 Notice of Termination, which includes the requirement that the amount of rent shall be specified. Given the error contained in the N4 Notice of Termination, the period of rent arrears claimed is ambiguous and does not properly reflect the exact periods of monthly rent that are being alleged. Since the N4 Notice did not properly give the Tenant the opportunity to understand what specific periods of alleged rent arrears were being claimed, the N4 Notice is rendered invalid.
3. The Landlord was explained the options available as a result of the defective N4 including withdrawing the L1 application, serving a new N4 notice and filing a new application or proceeding with the current application to collect arrears of rent only pursuant to Section 87 (1)

(a) of the Act. The Landlord was advised that proceeding with arrears of rent only would not include a provision terminating the tenancy.

4. The Landlord requested to withdraw the applications without prejudice in accordance with s.200(4) of the Act. I consent to the withdrawal request. As the N4 Notice and the N8 Notice do not comply with the statutory requirements, the Board will issue an order noting the withdrawal of the applications. No termination or arrears order will be granted.

It is ordered that:

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 The Landlord's L1 and L2 Applications are withdrawn.

April 7, 2026
Date Issued

Nathan Korenberg
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.