



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

File Number: LTB-L-000138-26

In the matter of: Unit 2/Side door/Bsmt, 15 CLEMOW AVE
SUDBURY ON P3C3G9

Between: Randal Buchowski Landlord

And

Shanna Pitawanakwat Tenant

Randal Buchowski (the 'Landlord') applied for an order to terminate the tenancy and evict Shanna Pitawanakwat (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 10, 2026.

Only the Landlord attended the hearing.

As of 10:52 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice).
2. As of the hearing date, the Tenant was still in possession of the rental unit.

Preliminary Issue

3. At the commencement of the hearing, I raised the issue with the Landlord in relation to the N4 notice of termination not being valid, as the arrears outlined on the notice did not reflect a credit for over payment of August 2025 rent arrears. The N4 notice of termination reflected that for August 2025 the monthly rent charged was \$2,375.00 with a rent payment of \$3,600.00, and \$0.00 for that period. The total owing in the N4 does not account for the overpayment/ credit of \$1,225.00 from August 2025.
4. In response to the preliminary issue I raised, the Landlord testified that the Tenant does not have a credit as there was an outstanding balance for a previous rental period and the

Landlord applied the overpayment to that amount, but the previous rental period/arrears are not included on the N4, and ultimately, the total amount owing on the N4 notice is correct, and that the Tenant is aware of the arrears (including the rent owing for the previous rental period) as he is in constant communication with the Tenant about the balance outstanding.

5. I further asked the Landlord for submissions about whether the notice of termination substantially complies with the requirements of the Act, in accordance with section 212 of the *Residential Tenancies Act, 2006* (the 'Act'), the Landlord testified that the notice is substantially compliant as it is his interpretation as to how he came to the outstanding balance.
6. The N4 notice of termination states that the Tenant owes the Landlord \$8,275.00 for arrears up to December 31, 2025, but when I add up the amounts that are reflected on the notice of termination, the balance of the arrears should be \$7,050.00.
7. The requirements of a notice of termination are set out in section 43 of the Act. Section 43(2) states that a notice of termination that is given by a landlord shall set out the reasons and details respecting the termination.
8. Section 59(2) of the Act sets out the contents of an N4 Notice and requires the notice to "...set out the amount of rent due and shall specify that the tenant may avoid the termination of the tenancy by paying, on or before the termination date specified in the notice, the rent due as set out in the notice and any additional rent that has become due under the tenancy agreement as at the date of payment by the tenant."
9. I think it is fair to say that when sections 43 and 59 are read together, an N4 Notice must set out the correct amount of rent owing and the rental periods for which the rent is owed.
10. Accordingly, I find that the notice does not comply with sections 43 and 59(2) and it is invalid as it does not reflect the proper rental periods for the arrears being claimed. Without a valid notice of termination to ground the application, the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

April 9, 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.