



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-000909-26

In the matter of: Basement, 61 EAST 14TH ST
HAMILTON ON L9A4B4

Between: Christian Pacaldo Landlord
Catherine Victoria
Cynthia Victoria

And

Richard Hicks Tenant

Christian Pacaldo, Catherine Victoria and Cynthia Victoria (the 'Landlord') applied for an order to terminate the tenancy and evict Richard Hicks (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

Only the Landlord attended the hearing.

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.

Defective N4 Notice

1. At the hearing a preliminary issue arose with respect to the validity of the N4 Notice of Termination ('N4 notice'). This relates to the N4 contained a fatal defect, specifically, that the N4 does not include the full municipal address of the rental unit, as the city is omitted.
2. Section 43(1) of the RTA requires that a notice of termination be in a form approved by the Board and contain the information set out in that form. The prescribed N4 form (approved by the Landlord and Tenant Board) requires the landlord to identify the rental unit address, including street, unit number (if applicable), city/municipality, and postal code. This is not optional. Failure to complete mandatory fields may render the notice non-compliant with s. 43(1).

3. The Residential Tenancies Act, 2006 (the “Act”) Section 43(1) of the RTA requires that a notice of termination be in a form approved by the Board and contain the information set out in that form. The prescribed N4 form requires the landlord to identify the rental unit address, including street, unit number (if applicable), city/municipality, and postal code. This is not optional. Failure to complete mandatory fields may render the notice non-compliant with s. 43(1).
4. Given the error contained in the N4 Notice of Termination, the municipal address of the rental unit is ambiguous, the Board is not satisfied that the notice clearly identifies the rental unit. As a result, the N4 does not comply with s. 43(1) of the Act., the N4 Notice is rendered invalid.
5. 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.
6. 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 application is withdrawn.

April 10, 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.