



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-004853-26

In the matter of: 89, 6 SIRENTE DR.
HAMILTON ON L9A0C3

Between: Gino Toscani Landlord

And

Jessica Poppa Tenant

Gino Toscani (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Poppa (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 1, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. The Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) on January 18, 2026, via email which is deemed served the same day. The date of termination on the N4 notice is January 26, 2026.
2. Section 59 of the *Residential Tenancies Act, 2006* (the 'Act') states:

59 (1) If a tenant fails to pay rent lawfully owing under a tenancy agreement, the landlord may give the tenant notice of termination of the tenancy effective not earlier than,

(a) the 7th day after the notice is given, in the case of a daily or weekly tenancy; and

(b) **the 14th day after the notice is given**, in all other cases.

[Emphasis added]

(2) The notice of termination shall 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.

3. Based on the evidence before me I find that the Landlord did not serve a valid N4 notice on the Tenants. The N4 does not give the Tenants the required 14-days notice pursuant to s.59(1)(b) of the Act. With a defective N4 notice, the Landlord cannot proceed with the portion of the application seeking termination of the tenancy. However, the Act permits the Landlord to seek an order for rent owing, which the Landlord did not request.
4. Since the N4 notice is defective, the Landlord's application is dismissed. The Landlord may serve the Tenant a new valid N4 and file a new application if they chose to do so.

It is ordered that:

1. The Landlord's application is dismissed.

April 14, 2026
Date Issued

Sheena Brar
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.