



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

File Number: LTB-L-006833-26

In the matter of: 86 Talbot St
Kitchener ON N2M2B1

Between: Craig David Dechert Landlord

And

Sean Hillard Tenants
Manuela Wyhs

Craig David Dechert (the 'Landlord') applied for an order to terminate the tenancy and evict Sean Hillard and Manuela Wyhs (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 8, 2026.

Only the Landlord attended the hearing.

The Tenant's were not present or represented at the hearing, the Tribunals Ontario Portal noted that the mail sent to the Tenants was returned to the Landlord and Tenant Board. The Landlord was unaware of why the Tenants were not in attendance and was to they knowledge still in possession of the rental unit.

Determinations:

1. The Landlord served the Tenants an N4 Notice of Termination for Non-payment of Rent (DOC-7221353) on January 16, 2026 with a termination date of January 23, 2026.
2. This is a monthly tenancy.
3. Subsection 59(1)(b) of the *Residential Tenancies Act, 2006* (the 'Act') provides:

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.

4. In the case at hand there is less than 14 days between the date the N4 Notice was served and the date of termination.
5. As a result, I found the N4 Notice invalid because it does not comply with s.59(1) of the Act.

It is ordered that:

1. The Landlord's Application is dismissed.

April 14, 2026

Date Issued

Angela Smith

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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before April 30, 2026

Rent Owing To April 30, 2026	\$9,200.00
Total the Tenant must pay to continue the tenancy	\$9,200.00

B. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$8,352.48
Less the amount of the last month's rent deposit	- \$1,150.00
Total amount owing to the Landlord	\$7,202.48
Plus daily compensation owing for each day of occupation starting April 9, 2026	\$37.81 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	