



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-001243-26

In the matter of: 3, 110 CANAL E
TILBURY ON N0P2L0

Between: DEAN SPENNATO Landlord

And

Kelly kirkwood Tenant

DEAN SPENNATO (the 'Landlord') applied for an order to terminate the tenancy and evict Kelly kirkwood (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 18, 2026.

The Landlord, the Tenant, the Tenant's Legal Representative, Vidy Matadeen and the Tenant's Support, Heather Desmarais attended the hearing.

Preliminary Issue:

Validity of the N4 Notice

1. The Tenant claims that the N4 Notice of Termination (N4) had the incorrect arrears owing within the rental periods claimed in the N4 notice as the rent owing was not correctly calculated in the N4 and sought for the application to be dismissed as per section 59(2) of the *Residential Tenancies Act, 2006* (the 'Act')
2. In the N4 Notice of Termination, the Landlord sought 36 months of rent within a 35 month period. Section 59(2) of the Act sets out requirements for the contents of an N4 Notice of Termination. This section reads as follows:

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. As the N4 Notice of Termination did not comply with section 59(2) of the Act, I find it defective. A tenancy may not be terminated in accordance with a defective notice of termination. The Landlord was given the option to proceed with the application for arrears of rent only or to withdraw the application. The Landlord sought to withdraw the application and I consented to the request.

It is ordered that:

4. The application, having been withdrawn, the LTB's file is closed.

April 14, 2026
Date Issued

Christopher Lin
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.