



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: 2764679 Ontario Inc. v Darling, 2026 ONLTB 31584

Date: 2026-04-16

File Number: LTB-L-088974-25-RV

In the matter of: 1744 SPRUCE HILL RD
PICKERING ON L1V1S4

Between: 2764679 Ontario Inc. Landlord

And

Michelle Darling Tenants
Brenda Bixby

Review Order

2764679 Ontario Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Michelle Darling and Brenda Bixby (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application has not yet been resolved.

On March 17, 2026, interim order LTB-L-088974-25-IN was issued. The interim order addressed a preliminary issue raised by the Tenant about the service of the N4 Notice of Termination.

On April 15, 2026, the Tenants requested a review of the interim order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Landlord sent the N4 Notice of Termination ('N4') to the Tenants by courier. The Tenants raised at the hearing that the N4 Notice of Termination ('N4') was not delivered to them on the date the Landlord claims and that therefore the N4 was void. The Board rejected the Tenant's argument and found that the N4 was validly served.
2. The Tenants submit that the interim order fails to address their argument that the N4 notice of termination was not delivered on the date that the Landlord's claims and instead wrongly focussed on whether courier service to a mailbox is a permitted method of service. The Tenant also submits that the Board made a serious error in relying on the deemed service provisions in the Board's Rules of Procedure ('the Rules') as opposed to considering the actual date of service.

3. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.
4. The order neither misinterprets nor fails to address the Tenants' claim that the actual date of service of the N4 is different than what the Landlord claims. Paragraph 3 of the order reflects that the Board correctly understood the Tenants claim. The Board made no errors in law in determining that the N4 was validly served. The order correctly notes that section 191(g) of the *Residential Tenancies Act, 2006* ('the Act') provides that a notice may be given by any means allowed in the Rules, that Rule 3.1 permits a notice to be served by courier to a person's address and that Rule 3.9(c) provides that a document sent by courier is considered served on the day after it was given to the courier. The order is correct that the N4 was deemed to be served on the date after it was sent by courier even if the N4 did not come to the Tenants' attention until later. No serious errors were made in that regard.

It is ordered that:

1. The request to review order LTB-L-088974-25-IN issued on March 17, 2026 is denied. The order is confirmed and remains unchanged.

April 16, 2026
Date Issued

Amanda Kovats
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.