



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

File Number: LTB-L-005281-26-RV

In the matter of: 990 HARMONY RD N
OSHAWA ON L1K3E2

Between: Jerome Ricketts Landlord

And

Herbert wisebrod Tenant
Raeven teressa

Review Order

Jerome Ricketts (the 'Landlord') applied for an order to terminate the tenancy and evict Herbert wisebrod and Raeven teressa (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-005281-26 issued on March 30, 2026.

On April 16, 2026, the Landlord requested a review of the order.

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

Determinations:

1. The Landlord's application was dismissed because the N4 Notice of Termination ('N4 Notice') was not served in accordance with the *Residential Tenancies Act, 2006* ('the Act') or the Board's Rules of Procedure. The Landlord served the N4 by email despite the Tenant never consenting to service by email as required by Rule 3.1(h) of the Board's Rules of Procedure. The Landlord was also unable to prove that the N4 actually came to the Tenant's attention pursuant to section 191(2) of the Act.
2. The Landlord states in the review request that they thought they uploaded a text message from the Tenant that states that they agreed to move out and resolve the application. The Landlord submits that the text message demonstrates that the Tenant was aware of the N4.
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 Landlord does not make clear in the review request whether he brought the text message exchange to the Board Member's attention during the hearing. It was not a serious error for the Board not to consider evidence that was not before it. However, regardless the text message exchange does not establish that the Tenant received the N4 notice or when. The text messages say that the Tenant is intending to vacate the rental unit and makes a settlement offer for the arrears. The text messages do not mention the N4, are not a response to the N4 being sent, and the text messages were sent months after the Landlord claims to have served the N4. It was not a serious error for the Board to not consider irrelevant evidence, nor would this evidence meet the criteria for admittance on review as it is not potentially determinative of an issue in dispute.

It is ordered that:

1. The request to review order LTB-L-005281-26 issued on March 30, 2026 is denied. The order is confirmed and remains unchanged.

April 17, 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.