



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-094542-25

In the matter of: 47 Renfrew Trail
Welland ON L3C0K2

Between: Harvinderjit Singh Atwal Landlord

And

Christopher Rothy Tenant
Tara Collins

Harvinderjit Singh Atwal (the 'Landlord') applied for an order to terminate the tenancy and evict Christopher Rothy and Tara Collins (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 16, 2026.

Only the Landlord, the Landlord's Support, Abijot Atwal and the Landlord's Legal Representative, Ali Ahmed attended the hearing.

As of 9:43 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

Preliminary Issue – Service of the N4 Notice

1. At the outset of the hearing, I raised a preliminary issue that the Landlord's Certificate of Service indicates that the N4 Notice was served by taping the N4 Notice to the front door of the rental unit.
2. The Act provides at section 191(1) several methods for serving the N4 Notice. Taping a notice to the door of the rental unit is not a permissible method of service pursuant to section 191 of the Act or the Board's Rules of Procedure.
3. Despite this, subsection 191(2) of the Act provides that a notice not given in accordance with section 191(1) of the Act, or the Board's Rules of Procedure, may be deemed to be validly given if it is proven that the contents came to the attention of the person within the required time period.

4. There was no evidence that the N4 notice came to the attention of the Tenants. The Landlord submits that the Tenants attended the previous hearing and did not dispute receipt of the N4 notice of termination. While this matter was previously adjourned and the Tenant attended the previous hearing, I did not find that this was sufficient evidence that the notice of termination came to the attention of the Tenants.
5. I do not find that the Landlord's method of service complies with the provisions of section 191 of the Act or the Board's Rules of Procedure. As I am not satisfied that the N4 notice came to the attention of the Tenant, the Landlord's N4 notice is deemed invalid. As a tenancy may not be terminated in accordance with an invalid notice of termination, the Landlord was given the option to pursue the application for arrears of rent only or to withdraw the application to seek termination of the tenancy. The Landlord sought to withdraw the application and I consented to the request.

It is ordered that:

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

April 20, 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.