



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

File Number: LTB-L-009750-26

In the matter of: 105, 1950 LASALLE BLVD
SUDBURY ON P3A2G5

Between: Greater Sudbury Housing Corporation Landlord

And

Crystal Lalonde Gagnon Tenant

Greater Sudbury Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Crystal Lalonde Gagnon (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 9, 2026.

Only the Landlord's Agent, Marcelle Dubois, attended the hearing.

As of 9:28am, 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:

1. The parties have been before the Board previously on LTB-L-055379-24 issued on October 18, 2024, which included arrears in the amount of \$6,966.00 until October 31, 2024. The Tenant did not void that order, but the Landlord made a private payment plan with the Tenant to pay off the arrears. The Tenant subsequently breached the payment plan and only paid \$1,240.00 towards the previous arrears.
2. The Landlord served the Tenant with a new N4 notice on January 12, 2026, which includes rent arrears starting from July 1, 2024 to January 31, 2026. The arrears from July 1, 2024, to October 31, 2024 have already been adjudicated when a final order was issued by the Board on October 18, 2024 for LTB-L-055379-24.
3. The principle of *res judicata* prevents a party from re-litigating a matter that has already been decided previously. The principle recognizes the need for finality in the legal system. The criteria for determining *res judicata* as per Richard A. Feldman in his text *Residential Tenancies, 9th ed.* (Toronto: Carswell, 2009), at page 90 are:

1. Has the question currently being advanced been decided in an earlier proceeding?
2. Was the earlier decision final? and
3. Are the parties the same now as in the earlier proceeding?
4. All these criteria have been met here. On October 18, 2024, the Board issued an order that dealt with rent arrears until October 31, 2024. That decision was final, and the parties are the same now as in the earlier proceeding.
5. After considering all submissions, I find that the N4 notice is defective therefore, the Landlords cannot proceed with an eviction. Since the Landlords did not want an arrears only order, I am dismissing the Landlord's application. The Landlord may file a new application with arrears arising after October 31, 2024.

It is ordered that:

1. The Landlord's application is dismissed.

April 24, 2026
Date Issued

Sheena Brar
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.