



Order under Section 69 Residential Tenancies Act, 2006

Citation: Islam v Carleton, 2026 ONLTB 33167

Date: 2026-04-29

File Number: LTB-L-001546-26

In the matter of: Upper Unit, 320 CADILLAC AVE S
OSHAWA ON L1H5Z8

Between: Ferdous Islam Landlord

And

Kodie Carleton Tenant

Ferdous Islam (the 'Landlord') applied for an order to terminate the tenancy and evict Kodie Carleton (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 and the Tenant attended the hearing.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. At the hearing, the Tenant advised the Board that the Landlord had purported to increase the rent without serving a valid Notice of Rent Increase, as is required by section 116 of the Act. The Landlord confirmed that he did not give a Notice of Rent Increase on the Board form, but instead merely texted what he believed the new rent to be to the Tenant. As such, the increase in rent is void and, consequently, the N4 Notice served by the Landlord is invalid as it misstates the rental arrears as of the date it was served.
3. At the hearing, after being advised that the N4 Notice is invalid, the Landlord requested an order for payment of the arrears only. However, the Landlord was unable to satisfy the Board of the proper balance of arrears owing, given the invalidity of the rent increase. I stood down the hearing to give the Landlord the opportunity to calculate this amount and request an amendment to his application for arrears. Upon resumption of the hearing, the Landlord could not provide an accurate accounting of the rent owed by the Tenant.

4. The Landlord bears the burden of proving the allegations alleged in the application. He has not done so here. Therefore, the application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

April 29, 2026
Date Issued

Jeremy Henderson
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.