



**Order under Section 69 / 89
Residential Tenancies Act, 2006**

Citation: La v BORNAIS, 2026 ONLTB 33233

Date: 2026-04-23

File Number: LTB-L-002848-26

In the matter of: Unit 3, 440 CAMPBELL AVE
WINDSOR ON N9B2H4

Between: Phat Anh La Landlords
XIU PING LIU

And

STACEY BORNAIS Tenant

Phat Anh La and XIU PING LIU (the 'Landlords') applied for an order to terminate the tenancy and evict STACEY BORNAIS (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlords or another tenant;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises

The Landlords also claimed compensation for each day the Tenant remained in the unit after the termination date.

The Landlords also claimed charges related to NSF cheques.

The Landlords applied for an order requiring the Tenant to pay the Landlords' reasonable out-of-pocket costs the Landlords have incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

This application was heard by videoconference on April 21, 2026.

The Landlords and the Tenant attended the hearing.

Only the Landlord Phat Anh La and an interpreter for the Landlord Tony Lui attended the hearing.

As of 11:00AM, 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 Landlords' evidence.

Determinations:

1. This application is based on a second, non-voidable N5 notice of termination pursuant to section 68 of the *Residential Tenancies Act, 2006* (the 'Act'). To succeed in this application, the Landlords must satisfy the Board that the Landlord served a valid first N5 notice under section 62, 64, or 67 of the Act.
2. The Landlord testified, through his interpreter, that the first N5 notice was deemed invalid by the Board (LTB-L-089655-25).
3. Since the Landlords did not serve a valid first N5 notice, the Board does not have jurisdiction to terminate the tenancy based on the second N5 notice.
4. For these reasons, the Landlords' application must be dismissed.

It is ordered that:

1. The Landlords' application is dismissed.

April 23, 2026
Date Issued

Elena Jacob
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.