



Order under Section 69 Residential Tenancies Act, 2006

Citation: CDSB v Brooks, 2026 ONLTB 33268

Date: 2026-04-27

File Number: LTB-L-095543-25

In the matter of: 101, 620 PARK AVE
TIMMINS ON P4N3X6

Between: Cochrane District Service Board (CDSB) Landlord

And

Diane Brooks Tenant

CDSB (the 'Landlord') applied for an order to terminate the tenancy and evict Diane Brooks (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 Landlord or another tenant

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

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

The Landlord's Agent, Tracy Legros, and the Tenant's representative, Marc Laroche, and the Tenant attended the hearing.

Determinations:

Preliminary Issues:

A.) *Withdrawal of French Language Services*

1. The Landlord requested a French Language Service on January 16, 2026.
2. On February 20, 2026, the matter was rescheduled for a bilingual hearing to be held on April 21, 2026.

3. At the hearing, the Tenant's representative and the Landlord requested that the matter proceed in English.
4. As a result, the Landlord withdrew their request for a bilingual hearing.
5. The hearing and accompanying order will be published in English only.

B. Invalid Notice

6. At the outset of the hearing, the Tenant's representative requested that the application be dismissed for lack of particulars because the Notices were vague and did not disclose sufficient details of the events such that the Tenant would know the case to be met.
7. The Tenant relied on the case of *Ball v. Metro Capital Property* [2002], O.J. No. 5931.
8. The Landlord served two N5 notices for interfering with others, damage or overcrowding; one on September 11, 2025 and the other on October 16, 2026.
9. The first N5 had an attached list of dates and details. I note the passage dated July 16, 2025:

CDSB Housing Services Staff received several complaints of noise disturbances caused by you, dating back to May 6, 2025. These disturbances include yelling, swearing loudly, loud music and banging noises.

10. And again on August 28, 2025 the Landlord writes:

CDSB Housing Staff received more written complaints (from several tenants), about your ongoing behaviour in the building which includes playing music loudly, yelling, swearing loudly and banging noises. These complaints date from July 15, 2025 to August 27, 2025.

11. The Landlord testified that the Tenant voided the Notice because they did not receive any complaints again until October 1, 2025.
12. The second N5 also had an attached list of details. I note the passage dated October 1, 2025:

CDSB Housing Services received further complaints from several different tenants regarding your ongoing disturbing behaviour. These disturbances are noted to have occurred from September 12, 2025 to September 28, 2025. It was stated that you were causing disturbances through nighttime hours by yelling, stomping, playing music loudly and banging on items. More evidence from previous occurrences prior to the first N5 were also collected from tenants at this time (dating from July 17, 2025 to September 9, 2025).

Analysis:

13. Section 43(2) of the *Residential Tenancies Act, 2026*, (the RTA) states that “[I]f the notice is given by a landlord, it shall also set out the reasons and details respecting the termination and inform the tenant...”
14. *Ball v. Metro Capital* is a case that stands for the fact that the tenant must know the specific allegation in order to know the case to be met, to decide whether to dispute the allegation, or to consider whether to stop the conduct or activity or correct the omission within a prescribed time.
15. Particulars in a notice should include the dates and times of the alleged offensive conduct together with a detailed description of the alleged conduct engaged in by the tenant.
16. An accompanying document, sometimes called a Collateral Document, with a notice must also provide sufficient detail so that the tenant is not misled *Bhagwandin v. Wright*, 1988 Canlii 4712 (ONCA).
17. Section 212(2) of the RTA states that “an error in the contents of a form, notice, or document still constitutes substantial compliance with this Act, as long as the error does not significantly prejudice a party’s ability to participate in a proceeding under this Act.”
18. In the case before me, I find that there are sufficient details missing, such as exact number of complaints, time of day, names of complainants, specific dates (not just a date range), specific activities on specific dates (not just grouping of repeated activities that happened in a date range).
19. I also find that the assigning complaints from the first voiding period to the second Notice completely unfair to the Tenant because she had already voided the first Notice, and these complaints were now being used against her in a way that she could no longer remedy.
20. The Landlord testified that this is the way they always fill out and serve notices to tenants and that she did not disclose the names of complainants to protect privacy and avoid retribution. Such practices are inadequate and require change in order to be procedurally fair.
21. Notwithstanding the noble efforts to protect other tenants from reprisals, the high stakes of evicting someone make providing a notice with sufficient detail a top priority.
22. I find the Notices lack sufficient detail such that the Tenant would not know how her behaviour on a particular date and time interfered with her neighbours, and I find that the collateral documents do not provide adequate details to prevent the Tenant from being misled.
23. The Notice is not saved by Section 212(2) because I find the lack of details would hinder the Tenant’s ability to participate in a proceeding under this Act because she would not know the case to be met.
24. As the Notices are invalid, the application is dismissed.

It is ordered that:

1. The application is dismissed

April 27, 2026
Date Issued

Vanessa Davies
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on November 9, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.