



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-102431-25

In the matter of: 4539 CHURCHILL LINE
WYOMING ON N0N1T0

Between: 1002010 Ontario Limited Landlord

And

Sharisse Farkas Tenants
Joel Barko
Darlene Farkas

1002010 Ontario Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Sharisse Farkas, Joel Barko and Darlene Farkas (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 2, 2026. The Landlord, Sue Douglas, and the Landlord's Agent, Majorie Stewart, attended the hearing.

As of 2:09 p.m., the Tenants were 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.

Background:

1. Upon reviewing this matter post-hearing, I noted that I had missed that there were amounts listed on the N4 that did not constitute rent.
2. Specifically, the Landlord claimed \$2,426.58 on the N4, made up of:
 - a) \$2,054.58 owing for rent for the period November 1, 2025 to December 31, 2025;
and
 - b) Two x \$186.00 charges (\$372.00 total) for unspecified issues dated September 18, 2025 and December 2, 2025.
3. The Landlord proved a ledger into evidence and it appears that the \$186.00 charges are application fees for both a previous LTB matter and the current matter.

4. These additional charges are not permissible on an N4 Notice; as such, the N4 Notice is not valid.
5. At the hearing, I should have given the Landlord the opportunity to make a choice about how they could proceed given the invalid N4. The options open to the Landlord were:
 - a) If eviction is the desired outcome, the current application must be withdrawn and the Landlord must serve a new (and correct) N4 Notice and file a new L1 Application; or
 - b) If eviction is not required, this matter could be converted to an L9 application for rent arrears only.
6. As such, I determined that I would give the parties the opportunity to provide additional submissions and that the within hearing would proceed as a written hearing, whereby the Landlord would be given the opportunity to provide their submission, in writing, and the Tenants would be accorded the opportunity to reply.

Determinations

7. The Tenants did not provide any submissions in response to the Interim Order.
8. The Landlord provided submissions in response to the Interim Order, which included: a revised N4, a Certificate of Service for the N4, a new L1/L9 Information Update form and an updated rental ledger. Their covering email also included the following statement: "We do still want to proceed with the eviction".
9. I did not ask for any of these revised documents in the Interim Order, as there is no process in the *Residential Tenancies Act, 2006* (the 'Act') that allows for an amendment to an N4 notice. The choices available to the Landlords were clearly stated in the Interim Order: either withdraw the current L1 application (if a termination of the tenancy is the desired outcome) or identify that eviction is "off the table" and request that this matter proceed for arrears only as an L9 application.
10. As the Landlord clearly states in their submission in response to the Interim Order that they wish to pursue a termination of the tenancy, I find that the Landlord, by implication, has effectively requested a withdrawal of this L1 Application and I grant this request.

It is ordered that:

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

April 27, 2026
Date Issued

Curtis Smith
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.