



Order under Section 69 / 89 Residential Tenancies Act, 2006

Citation: Nicol v Taylor, 2026 ONLTB 34920

Date: 2026-05-06

File Number: LTB-L-007095-26

In the matter of: 14 SMITH AVENUE
LEAMINGTON ON N9Y2E8

Between: Peter Nicol Landlord

And

Nicole Suzanne Taylor Tenant

Peter Nicol (the 'Landlord') applied for an order to terminate the tenancy and evict Nicole Suzanne Taylor (the 'Tenant') because:

- the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex.

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

The Landlord also applied for an order requiring the Tenant to pay the Landlord's reasonable out-of-pocket costs the Landlord has 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 28, 2026.

The Landlord and their legal representative, Christine Joy, and the Tenant attended the hearing.

The parties agreed the address was incorrect on the L2 application but correct on the N7 notice. The city is accordingly amended from Kingsville to Leamington.

Determinations:

1. The Landlord served the Tenant with an invalid N7 Notice to end the tenancy. An application for eviction cannot proceed based on an invalid notice, therefore the application must be dismissed.

2. Section 43 of the *Residential Tenancies Act, 2006* (the “Act”) requires that a notice of termination set out the reasons and details respecting the termination. Similarly, in the Divisional Court’s decision in *Ball v. Metro Capital Property*, [2002] O.J. No. 5931 (which was decided in the context of an N5 Notice of Termination but is routinely applied to all notices of termination), the court found that a notice of termination must contain particulars. The court’s decision states, “particulars should include, dates and times of the alleged offensive conduct together with a detailed description of the alleged conduct engaged in by the tenant”.
3. In this case the N7 Notice is invalid because it does not specify what illegal activities are alleged to have been carried out, or who is alleged to have carried them out.

It is ordered that:

1. The application is dismissed without prejudice.

May 6, 2026
Date Issued

Dawn Carr
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.