



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-015533-26

In the matter of: 181 MERIDIAN AVENUE
HAILEYBURY ON P0J1K0

Between: Kaitlynn Short Landlord

And

Cody Norman Tenants
Kaitline Norman

Kaitlynn Short (the 'Landlord') applied for an order to terminate the tenancy and evict Cody Norman and Kaitline Norman (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 28, 2026.

Only the Landlord attended the hearing.

As of 2:18 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.

Determination:

1. The N4 notice of termination ("N4 notice") the Landlord served the Tenants had a date of termination of February 18, 2026. The certificate of service provided that it was mailed to the Tenants on February 2, 2026.
2. Section 59(1)(b) of the *Residential Tenancies Act*, 2006 (the 'Act') provides that a notice of termination for failure to pay rent may not be effective earlier than the 14th day after the notice is given, if the tenancy is a tenancy other than a daily or weekly tenancy.
3. Section 191(3) of the Act provides that when a document is mailed it is deemed given on the fifth day after mailing. That means that the N4 notice was deemed given to the Tenants on February 7, 2026. Therefore, the notice of termination was not valid as the date of termination was not effective at least 14 days after February 7, 2026, when the N4 would have been deemed to have been given to the Tenants.
4. Section 191(2) of the Act provides that when a notice or document is not given in accordance with the Act it will still be deemed to have been validly given if it is proven the contents of the notice actually came to the attention of the person within the required time.

5. The Landlord testified that the Canada Post tracking information provided that door tag was left at the rental unit advising the Tenants that the N4 notice was ready for pickup at the post office on February 4, 2026, however the Tenants never actually picked it up. Therefore, I cannot say that the contents of the N4 notice actually came to the Tenants attention under section 191(2) as the N4 notice was never delivered to the rental unit, it remained at the Post Office for pick up by the Tenants.
6. Because the Board is unable to issue an order for eviction based on an invalid notice, the Landlord was offered the choice of proceeding with the L1 application based on a request for the arrears only or withdrawing the application.
7. At the hearing, the Landlord sought to withdraw the application, and I consented to the request.

It is ordered:

1. The Application is dismissed as withdrawn

May 5, 2026
Date Issued

Nicole Pedron
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.