



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-014632-26

In the matter of: 7717 DOCKWEED DR
NIAGRA FALLS ON L2H3S2

Between: RITU BALI Landlord

And

FRED MORGAN Tenants
DANIELLE MORGAN

RITU BALI (the 'Landlord') applied for an order to terminate the tenancy and evict FRED MORGAN and DANIELLE MORGAN (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 and the Landlord's Real Estate Agent James Sagar attended the hearing.

As of 10:32 am, 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.

Determinations:

1. On the Board's initiative, I asked the Landlord's Agent about the service of the N4 Notice of Termination. The Landlord's Agent confirmed that it was served to the Tenant by mailing it to the unit on February 17, 2026, and that the termination date on the N4 notice was February 16, 2026.
2. The Landlord's N4 notice is defective for the following reasons.
3. An N4 notice is served pursuant to section 59(1) of the Act which states:

59 (1) If a tenant fails to pay rent lawfully owing under a tenancy agreement, the landlord may give the tenant notice of termination of the tenancy effective **not earlier than,**

(a) the 7th day after the notice is given, in the case of a daily or weekly tenancy; and

(b) the 14th day after the notice is given, in all other cases.

[emphasis added]

4. Additionally, on the N4 Notice itself, landlords are provided with a checklist to ensure they have completed the form properly thereby avoiding serious errors. The second point on this checklist states:

Did you fill in the correct termination date?

If your tenant pays rent by the month or year, you must give at least 14 days notice. If your tenant pays rent by the day or week, you must give at least 7 days notice. When counting the days, do not include the date you are giving the notice to the tenant. For example, if you give the notice to the tenant by hand on March 3rd, the first day of the 14-day notice period is March 4th; in this example, the earliest termination date would be March 17th. If you are giving the notice to the tenant by mail or courier, you have to add extra days in calculating the termination date. Read the Instructions to this form to see how many days you have to add.

5. In this case, the date of service of the N4 notice is deemed to be February 22, 2026. The N4 notice specifies a termination date of February 16, 2026, which is contrary to section 50 of the Act, as service was passed the termination date.
6. As a result, I found the N4 notice to be invalid and dismissed the Landlord's application without consideration of its merits. The Landlord may wish to seek legal advice with respect to their ability to file a new application and seek any remedies they would otherwise have sought through this application.

It is ordered that:

1. The Landlord's application is dismissed.

May 11, 2026

Date Issued

Brenda Mercer

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.