



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-082794-25

In the matter of: 4, 40a West
Goderich ON N7A2K3

Between: Jaehee Kim Landlord

And

Kerry Kucharenko Tenant

Jaehee Kim (the 'Landlord') applied for an order to terminate the tenancy and evict Kerry Kucharenko (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

This application was heard by videoconference on January 14, 2026.

The Landlord, the Tenant's Legal Representative Aron Van De Klent and the Tenant attended the hearing.

Preliminary Issue:

1. For a first N5 notice to be valid, the *Residential Tenancies Act* requires that the termination date set out in the notice must be at least 20 days after the notice is given to the Tenant. The notice must also provide the Tenant with a 7-day voiding period during which the Tenant may correct the alleged conduct, repair the damage, or otherwise remedy the issue.
2. These statutory requirements are mandatory. If the termination date does not comply with the minimum 20-day notice period required by the 'Act', the notice is defective and cannot support an eviction application.
3. Based on the evidence before the Board, I find that the N5 Notice of Termination served by the Landlord did not comply with the mandatory requirement that the termination date be at least 20 days after service of the notice.

4. Because the notice was defective on its face, I have no discretion to amend or cure a defective notice of termination where the statutory requirements have not been met.
5. As the Landlord's application relies entirely on this defective N5 Notice, the application cannot proceed and must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

May 19, 2026
Date Issued

Anthony Bruno
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.