



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-016226-26

In the matter of: 1, 139 MCNAUGHTON AVE W
CHATHAM ON N7L1R2

Between: Emanuel Salvador Landlord

And

Stephen Tullo Tenant

Emanuel Salvador (the 'Landlord') applied for an order to terminate the tenancy and evict Stephen Tullo (the 'Tenant') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

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

This application was heard by videoconference on May 13, 2026.

The Landlord, the Tenant's Legal Representative, Stephani Shill and the Tenant attended the hearing.

Preliminary Issue:

1. I brought up a preliminary issue regarding the address of the rental unit on the N12 notice of termination. The address is listed as "139 McNaughton Ave. West Apt.#1."
2. Section 43 of the *Residential Tenancies Act*, 2006 (the "Act") states that: (1) Where this Act permits a landlord or tenant to give a notice of termination, the notice shall be in a form approved by the Board and shall, a) identify the rental unit for which the notice is given; b) state the date on which the tenancy is to terminate; and c) be signed by the person giving the notice, or the person's agent."
3. The applicable statutory notice provisions above are mandatory in nature and require strict compliance (*Re Bianchi et al. and Aguanno et al.* 1983 CanLII 1967 (ONSC). In *Re Bianchi*, supra, the termination date was not at the end of the term as mandatorily required

by the Act, so the Divisional Court found the notice defective. Here, the identification of the rental unit is, similarly, a mandatory requirement of the Act

4. While the importance of proper identification of the unit is, in part, to ensure that eviction by the sheriff occurs only at the portion of the property that is the subject of the tenancy agreement, thereby ensuring another unit at the property is not affected by the eviction, there are other reasons for the mandatory requirement. For example, subsection 43(1) seeks to ensure that the tenant is given notice that her or his unit is subject to a request to terminate the tenancy and, where applicable, allow the tenant to void the notice. Further given what is at stake — that is, termination of a tenancy, the requirement that the unit be correctly identified, seeks to eliminate, or at least significantly reduce the possibility of confusion in the mind of the tenant.
5. As the Landlord failed to include the city, province and postal code on the notice, I find that the notice is invalid for non-compliance with section 43 of the Act. As such, the Landlord cannot rely on this notice to terminate the tenancy.

It is ordered that:

1. The Landlord's application is dismissed.

May 20, 2026
Date Issued

Carrie Bertrand
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.