



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-009335-26

In the matter of: Basement, 192 BRITANNIA Ave W
Oshawa ON L1L0G9

Between: GUO Dong Landlord

And

Eyituoyo Lisa Ebiyon Tenant

GUO Dong (the 'Landlord') applied for an order to terminate the tenancy and evict Eyituoyo Lisa Ebiyon (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlord, the Landlord's support, Ryu Situ, and the Tenant attended the hearing.

Determinations:

1. At the commencement of the hearing, there was a preliminary issue in relation to the N4 notice of termination served on the Tenant.
2. Within the N4 notice (DOC ID 7708260), the Landlord was seeking arrears for the rental periods from January 10, 2026, to April 10, 2026. It is not disputed that this notice was served on the Tenant on January 11, 2026.
3. The Tenant disputed the arrears and testified that she provided the Landlord with notice to terminate the tenancy, and she vacated the rental unit on January 10, 2026, and did not owe for future rent.
4. Pursuant to section 88(1) of the *Residential Tenancies Act*, 2006 (the 'Act'), arrears of rent are owing are up to the earliest termination date that could have been specified in the notice. The earliest date which could have been specified is January 2026. However, the Landlord is not entitled to future arrears of rent.
5. Furthermore, The LTB's usual approach to calculating the arrears where the tenant has vacated the rental unit after an L1 Application was filed but before the hearing date is set out in the Board's Interpretation Guideline 11: Rent Arrears; it states:

In some cases, the evidence may establish that the tenant moved out of the rental unit after the L1 Application was filed, but before the hearing date. In that case, the LTB's order will generally include a determination that the tenancy ended on the date the tenant moved out. Further, the order will generally: (1) end the tenancy effective the date the tenant moved out of the rental unit without ordering enforcement through the Court Enforcement Office (Sheriff); and (2) require the tenant to pay rent arrears ending on the date the tenancy ended.

6. It is not disputed that the Tenant vacated the rental unit on January 10, 2026, which is prior to the N4 being served on the Tenant, and prior to the application being filed.
7. Accordingly, I find that the notice does not comply with section 88(1) of the Act, nor does it comply with the Board's Interpretation Guideline 11, therefore the notice is invalid as it does not reflect the proper rental periods for the arrears being claimed, in addition, the Landlord is seeking arrears for a period after the Tenant vacated. Without a valid notice of termination to ground the application, the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

May 20, 2026
Date Issued

Samantha Greaves
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.