



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-019087-26

In the matter of: 9, 309 GARDEN ST
CAMBRIDGE ON N3H4C8

Between: Pier 100 Real Estate GP Ltd. Landlord

And

Douglas Goertzen Tenant

Pier 100 Real Estate GP Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Douglas Goertzen (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 11, 2026.

The Landlord Representative Jennifer Smith, The Tenant Representative Jessa McAuliffe and the Tenant attended the hearing.

Determinations:

1. At the outset of the hearing the Tenant Representative requested the application be dismissed as the N4 Notice of termination (N4 Notice) was invalid as it failed to conform to subsections 43(1) and 59(2) of the Residential Tenancies Act, 2006(the "Act").
2. Specifically, it was their submission that the lawful rent was \$1,066.05, not \$1,115.64 as reflected on the N4 Notice, as the Tenant never received the last alleged Notice of Rent Increase (NORI). It was also their submission that this was consistent with what the Tenant had consistently been paying as reflected on the N4 Notice. They supported their submission with the previous NORI entered in evidence.
3. Canvassing the Landlord Representative, they could not provide a copy of the NORI or a Certificate of Service (COS).

Analysis.

4. Section 59(2) of the Act states that an N4 Notice must correctly set out the amount of rent due and section 43(2) states that a notice of termination must contain reasons and details respecting the termination. The N4 Notice served on the Tenant does not meet these requirements.

5. As stated by the Divisional Court in *George V Apartments Ltd. V. Cobb*, a notice of termination which is incorrect or does not comply with the mandatory content requirements of the Act is void and cannot be amended or corrected (*George V Apartments Ltd. V. Cobb*, [2002] O.J. No. 5981 (Ont. Div. Ct.)).
6. Given the Landlord could not produce a copy of the NORI or COS thereof to substantiate the change in rent charged as reflected on the N4 Notice, whereas all other evidence provided demonstrates the Tenant having paid when so provided, I cannot but determine the NORI was not served, thus the N4 notice is invalid and therefore must dismiss the application as requested.

It is ordered that:

1. The Landlord's application is dismissed

May 27, 2026
Date Issued

Kelly Delaney
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.