



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-007313-26

In the matter of: Main, 304 EMERALD ST N
HAMILTON ON L8L5L3

Between: Mark Anthony Ugaban Landlord

And

Bobbi Tupper Tenants
Ciara Morris

Mark Anthony Ugaban (the 'Landlord') applied for an order to terminate the tenancy and evict Bobbi Tupper and Ciara Morris (the 'Tenant') because the Tenant or another occupant of the rental unit has:

- committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex involving the production of an illegal drug, the trafficking in an illegal drug or the possession of an illegal drug for the purposes of trafficking; and
- committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex.

This application was heard by videoconference on April 29, 2026. The Landlord and the Tenants attended the hearing.

Determinations:

1. The Landlord gave the Tenants a Notice to End your Tenancy for Illegal Acts or Misrepresenting Income in a Rent-Geared-to-Income Rental Unit (N6) with a termination date of February 4, 2026. The Landlord did not provide a Certificate of Service indicating the date on which the notice was served.
2. While the Landlord stated that the notice was served on January 16, 2026, the Tenants claimed they received it on February 4, 2026.
3. The Landlord's application will be dismissed for two reasons. Firstly, the Landlord did not file with the application a copy of the Certificate of Service, in breach of section 53 (1) of the O'Reg 516/06 which states:

Information to accompany application

53. An application to the Board must be accompanied by the following information:

1. If the application is with respect to a notice of termination on any ground, a copy of the notice of termination and a certificate of service of the notice of termination, if notice was given by the landlord.
4. Secondly, the notice of termination contains a signature date of January 24, 2026, which means the Landlord could not have given the notice on January 16, 2026, as he claimed. Therefore, I am not satisfied that the Tenants were validly served with the notice of termination.

It is ordered that:

1. The Landlord's application is dismissed.

May 26, 2026
Date Issued

Jitewa Edu
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.