



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-006110-26

In the matter of: 6709, 14 YORK ST
TORONTO ON M5J0B1

Between: Gaurav Mehta Mehta Landlords
Shewata Mehta

And

Munib Aslam Tenants
Zainab Mohammad

Gaurav Mehta Mehta and Shewata Mehta (the 'Landlords') applied for an order to terminate the tenancy and evict Munib Aslam and Zainab Mohammad (the 'Tenants') because:

- the Tenants or another occupant of the rental unit have 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;
- the Tenants have knowingly misrepresented the Tenants' income or the income of other members of the Tenants' family who occupy the unit.

This application was heard by videoconference on May 19, 2026.

The Landlords' legal representative, Muhammad Qazi, and the first-named Tenant attended the hearing.

Determinations:

1. For the following reasons, the Landlords' application must be dismissed.
2. I say this because the Landlords' legal representative, 'MQ', confirmed at the hearing that he personally served the Tenants with the N6 notice of termination by mail on January 7, 2026. This means the N6 was deemed to be served on January 12, 2026.
3. Paragraph 61(2)(b) of the *Residential Tenancies Act, 2006*, S.O. 2006 (the 'Act') says that the date of termination on the N6 notice must be at least 20 days from the date the notice was deemed to be served. This means, the date of termination on the N6 must be at least February 1, 2026. The date of termination is January 31, 2026, which is short of the

mandatory requirements set out in the Act. As the N6 fails to comply with the mandatory requirements of the Act, it is invalid and cannot result in a termination of this tenancy. This means the Landlords' application must be dismissed.

4. At the hearing, MQ went on to say that he personally served the Tenants with the N6 by email. MQ could not explain why he failed to include this information on his Certificate of Service. Nevertheless, I asked MQ to confirm that the Tenants consented in writing to service of legal documents via email pursuant to the requirements set out in Rule 3.3 of the Board's *Rules of Procedure*.
5. Despite standing this matter down and giving MQ additional time, he was unable to provide any documentation to confirm that the Tenants consent in writing to service via email. This means that, even if MQ is telling the truth when he says he served the N6 by email, this method of service is not recognized by the Board and is therefore an invalid method of service. In the absence of a valid method of service, the Landlords were not entitled to file the L2 application and it must therefore be dismissed.
6. After dismissing the Landlords' application due to the defective notice and service problems, I went onto explain to MQ the problems with the allegations outlined in the notice.
7. First, it seems plain to me that, because the rental unit is located in a condominium, the unit is not designated as a "rent geared to income" ('RGI') unit. This means that the allegation that the Tenants misrepresented their income in an RGI is without merit and could not proceed even if the notice was deemed to be valid. At the hearing, MQ seemed confused by this concept and he is therefore encouraged to conduct further legal research before serving any similar notices of termination with this allegation.
8. Finally, I explained to MQ that, because the remaining allegation concerns the Tenants' alleged activity of renting out the unit using Airbnb, the Landlords would have to establish that this activity constitutes an "illegal act" as contemplated by the Act. In other words, in order to establish that the Tenants' alleged activity was a breach of section 61 of the Act, the Landlords would need to establish that their activity violates a particular law or statute. Unless the Landlords can establish which particular law or statute the Tenants are violating, they will not meet the required legal test and will not satisfy the Board that the Tenants have committed an illegal act. If the Landlords fail to establish that the Tenants have committed an illegal act, their application would be dismissed.
9. Once again, at the hearing, MQ seemed confused by this explanation and he is therefore encouraged to conduct sufficient legal research before pursuing any additional applications before the Board in an attempt to terminate this tenancy.
10. This order contains all the reasons with it and no further reasons will be issued.

It is ordered that:

1. The Landlords' application is dismissed.

May 22, 2026
Date Issued

Laura Hartslief
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.