



**Order under Section 69 / 88.1 / 89
Residential Tenancies Act, 2006**

File Number: LTB-L-030909-26

In the matter of: 198 PRESLAND RD
OTTAWA ON K1K2B8

Between: Presland Residence Landlord

And

Andres Sanabria Tenant

Presland Residence (the 'Landlord') applied for an order to terminate the tenancy and evict Andres Sanabria (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises

This application was heard by videoconference on May 15, 2026.

Only the Landlord's agent Sharon Jiang attended the hearing.

The Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. This application is based on a second, non-voidable N5 notice of termination pursuant to section 68 of the *Residential Tenancies Act, 2006* (the 'Act'). To succeed in this application, the Landlords must satisfy the Board that the Landlord served a valid first N5 notice under section 62, 64, or 67 of the Act.
2. The Landlord served a first N5 notice of termination on October 15, 2025. The allegations state:

Andres Sanabria was observed stealing items belonging to the landlord and other tenants. The staff recovered the stolen items after confronting the tenant. This

behaviour is a serious violation of the rights and enjoyment of other tenants and the landlord, and it cannot be accepted.

3. In *Ball v. Metro Capital Property*, [2002] O.J. No. 5931, the landlord had served a notice of termination which said merely that the tenant had substantially interfered with the reasonable enjoyment of the landlord by “harassing building staff and office employees to the point of inhibiting them from performing their daily duties”. It therefore provided the tenant with no information concerning what behaviour the landlord was actually complaining about that it considered harassment. The Divisional Court concluded the notice lacked sufficient details because the purpose of the notice was to ensure the tenant knew the case to be met and was in a position to decide whether or not to dispute the allegations at a hearing. The Court concluded that the kinds of particulars that should be contained in a notice which was about a tenant’s behaviour should include “dates and times of the alleged offensive conduct together with a detailed description of the alleged conduct engaged in by the tenant”.
4. Applying the test in *Ball*, I find the first N5 notice did not contain particulars such as dates and/or times that the alleged activity occurred. As such, I find the first N5 notice is invalid.
5. Since the Landlord did not serve a valid first N5 notice, the Board does not have jurisdiction to terminate the tenancy based on the second N5 notice.
6. For these reasons, the Landlords’ application must be dismissed.

It is ordered that:

1. The Landlord’s application is dismissed.

May 22, 2026
Date Issued

Elena Jacob
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.