



Order under Section 69 Residential Tenancies Act, 2006

Citation: ALGOMA DISTRICT SERVICES ADMINISTRATION BOARD (ADSAB) v BAKER, 2026
ONLTB 40921

Date: 2026-05-22

File Number: LTB-L-013059-26

In the matter of: 201, 3129 SOUTH STREET
HILTON BEACH ON P0R1G0

Between: ALGOMA DISTRICT SERVICES ADMINISTRATION BOARD (ADSAB) Landlord

And

DEBORAH BAKER Tenant

ALGOMA DISTRICT SERVICES ADMINISTRATION BOARD (ADSAB) (the 'Landlord') applied for an order to terminate the tenancy and evict DEBORAH BAKER (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;
- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

This application was heard by videoconference on May 21, 2026.

The Landlord's legal representative, Shelby Whittick, the Landlord's Agent, Grace Mooney, the Tenant, and the Tenant's legal representative, Ethan Quan, attended the hearing. Also in attendance was the Landlord's witness, Deborah Zappacosta.

Determinations:

1. The Landlord's application was filed with the Board on February 11, 2026, under section 69 of the Residential Tenancies Act, 2006 (the 'Act').
2. Section 69(1) of the Act provides:

69 (1) A landlord may apply to the Board for an order terminating a tenancy and evicting the tenant if the landlord **has given** notice to terminate the tenancy under this Act or the Tenant Protection Act, 1997.

[emphasis added]

3. As stated in the Landlord's certificate of service, the N6 and N7 notices of termination were mailed to the Tenant on February 10, 2026.
4. Section 191(3) of the Act provides that notice given by mail is deemed to have been given on the fifth day after mailing. Accordingly, the N6 and N7 notices were deemed to have been given to the Tenant on February 15, 2026.
5. The Landlord did not submit any evidence that the Tenant received the notices of termination, nor any evidence to support a finding that the Tenant was deemed to have received them before the application was filed. I find that the Landlord's application was filed before the notices of termination were given.
6. As a result, the Board is without jurisdiction to consider this application and it must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

May 22, 2026
Date Issued

Melissa Anjema
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.