



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-021959-26

In the matter of: Cabin # 7, 1889 Dawson Rd
Thunder bay ON P7G2E6

Between: Donald Brett Kelly Landlord

And

Charles Kenney Tenant

Donald Brett Kelly (the 'Landlord') applied for an order to terminate the tenancy and evict Charles Kenney (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 20, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. The Landlord filed an application to evict the Tenant based on a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice).
2. The Landlord did not file any certificate of service related to the N4 Notice.
3. Section 53, paragraph 1, of O.Reg 516/06 (the "Regulations") provides that an application with respect to a notice of termination on any ground must include both a copy of the notice of termination and a certificate of service for the notice of termination if the notice was given by the landlord.
4. Section 59(2) of the Regulations provides that where an application is filed electronically, the required documents must be received by the LTB within 5 days of the electronic filing of the application.
5. Section 185(1) of the Residential Tenancies Act, 2006 (the "Act") provides that an application filed with the LTB shall be accompanied by the documents prescribed in the Regulations.
6. As no certificate of service was filed within 5 days of the date of filing the application, I find that there is no complete application to proceed on.

7. For the reasons above, the LTB lacks jurisdiction to grant the application based on the N4 notice.

It is ordered that:

1. The Landlord's application is dismissed.

May 29, 2026
Date Issued

Samantha Greaves
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.