



## **Order under Section 69 Residential Tenancies Act, 2006**

**Citation:** Gough v Kennedy, 2026 ONLTB 42602

**Date:** 2026-06-01

**File Number:** LTB-L-023961-26

**In the matter of:** Unit #1407, 1255 BAYLY ST  
PICKERING ON L1W0B6

**Between:** Janet Gough Landlord

**And**

Michael Kennedy Tenant

Janet Gough (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Kennedy (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on May 27, 2026.

Only the Landlord's Legal Representative, Suzanne Diamond, attended the hearing.

As of 9:30 a.m., 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. The Tenant was in possession of the rental unit on the date the application was filed.
2. On March 16, 2026, the Landlord mailed the Tenant an N8 notice to end his tenancy for persistent late payments of rent, which was deemed served on March 21, 2026, pursuant to the Board's Rules (Rule 3.9).
3. The N8 had a termination date of May 31, 2026. The Landlord's Legal Representative submitted that the N8 notice was mailed to the Tenant on March 16, 2026, as per the Certificate of Service filed with the Board.

4. The Landlord filed the L2 application with the Board on March 17, 2026, which was the day after the date the Landlord mailed the N8 notice, 4 days prior to the deemed service of the N8 notice to the Tenant pursuant to the Board's Rules.
5. Section 53, paragraph 1, of Ontario Regulation 516/60 ('O.Reg.516/06') requires a landlord to file with their application to the Board, a copy of the notice of termination on which the application is based. In this present case, because the notice of termination the Landlord originally filed was not served upon the Tenant until after the application was filed, the Landlord did not comply with the requirement to file the notice of termination.
6. The Landlord filed their application with the Board on March 17, 2026, prior to service of the N8 notice upon the Tenant.
7. Subsection 69(1) of the Residential Tenancies Act, 2006 (the 'Act') allows a landlord to 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 the Act. Since the Landlord did not comply with section 69(1), the application must be dismissed.

**It is ordered that:**

1. The Landlord's L2 application is dismissed.

**June 1, 2026**  
**Date Issued**

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**Panagiotis P. Roupas**  
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.