



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-002837-26

In the matter of: basement, 1639 EDGE HILL PL
OTTAWA ON K1V7V6

Between: Robert Saikaley Landlord

And

Zayden Hughes Tenant

Robert Saikaley (the 'Landlord') applied for an order to terminate the tenancy and evict Zayden Hughes (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

This application was heard by videoconference on April 23, 2026.

The Landlord, the Tenant and the Tenant's legal representative, Monick Grenier, attended the hearing.

Determinations:

1. For the following reasons, the Landlord's application must be dismissed. I say this because the Landlord's application is based on a second N5 notice of termination. However, the first N5 is invalid, which means the Landlord was not entitled to serve the second N5 notice.
2. The Landlord served the Tenant with a first N5 notice pursuant to section 64 of the *Residential Tenancies Act, 2006* (the 'Act'). The notice of termination does not inform the Tenant that they have 7 days to correct their behaviour and void the notice. Subsection 64(2)(c) says that an N5 notice of termination "shall require the tenant, within seven days, to stop the conduct or activity or correct the omission set out in the notice." If a Tenant corrects their behaviour within those 7 days, subsection 64(3) says the notice is void and cannot form the basis of an application before the Board.

3. As the first N5 notice fails to give the Tenant an opportunity to correct their behaviour and void the notice, the notice fails to comply with the mandatory requirements of the Act and is invalid.
4. Pursuant to subsection 68(1), a landlord may give a tenant a second N5 notice of termination if they served the tenant with a valid first N5 and the tenant engages in additional conduct that contravenes the Act.
5. In this case, as the Landlord failed to serve the Tenant with a valid first N5 notice, they were not legally authorized to serve a second N5 notice. As the first N5 notice was invalid and the Landlord was not permitted to serve the second N5 notice, the Landlord's application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

June 1, 2026
Date Issued

Laura Hartslief
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.