



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-010587-24

In the matter of: 522, 550 KINGSTON RD
TORONTO ON M4E3V6

Between: Houselink and Mainstay Community Housing Landlord

And

Yohannes Berhe Tenant

Houselink and Mainstay Community Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Yohannes Berhe (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 Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on January 13, 2026.

On January 14, 2026, LTB-L-010587-24-IN3 was issued, once again adjourning the hearing scheduled for January 13, 2026, because the Tenant's Legal Representative had withdrawn their services in an untimely manner, leaving the Tenant insufficient time to retain and instruct new legal representation.

The Landlord's Legal Representative Amanda Montgomery and the Tenant's new Legal Representative Ravinder Malik attended the hearing.

Determinations:

1. In the Board's Interim Order dated January 14, 2026, the Board directed the Landlord to provide written submissions in response to a concern that the application should be dismissed because the second N5 served on the Tenant was defective.
2. I have reviewed the Landlord's submissions found at DOC-7262715, and the Tenant's response found at DOC-7356635.

3. At paragraph 3 of the Landlord's submissions, they accept that the first N5 is invalid.

The landlord accepts that the first N5 is invalid. Although the tenant did not void the first N5, an application was filed more than 30 days after the termination date in that notice. The incidents raised in this notice cannot be grounds for eviction in this application but are still relevant to the question of whether relief against eviction should be granted.
(emphasis added)

4. Given that the Landlord has admitted that the first N5 notice is invalid, the Landlord cannot proceed to serve a second N5 notice and file an application based on the second N5 notice. The Landlord must have serve a valid first voidable N5 in accordance with section 64 of the *Act* for interference with reasonable enjoyment of the Landlord or another Tenant in the residential complex.

It is ordered that:

1. The Landlord's application is dismissed.

June 10, 2026
Date Issued

Robert Patchett
Vice Chair, 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.