



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-014028-26

In the matter of: 1711, 95 HESS ST S
HAMILTON ON L8P 3N4

Between: CityHousing Hamilton Corporation Landlord

And

Erika Putnins Tenant

CityHousing Hamilton Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Erika Putnins (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 Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on June 1, 2026.

Only the Landlord's legal representative, Vladimir Molatchenko and Landlord agent, Hannah Kodeir.

As of 10:00am, 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. As explained the Landlord has not complied with the requirements for filing an application. The Landlord's application is premature and is therefore dismissed.

Preliminary Issue:

Was the Notice sufficiently given?

2. At the hearing, I raised an issue regarding the date the application was filed. The L2 application was filed on February 13, 2023. The Certificate of Service for the N6 Notice that was filed by the Landlord states the N6 Notice was served via regular mail on February 9, 2026.

3. Subsection 191(3) of the *Residential Tenancies Act, 2006* (Act) states:

(3) A notice or document given by mail shall be deemed to have been given on the fifth day after mailing.

[Emphasis added]

4. Therefore, the N6 is deemed served on February 14, 2026, as there was no evidence before me that it was received by the Tenant on an earlier date.

5. Subsection 69(1) of the Act states:

Application by landlord

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]

6. This means that a landlord cannot file an eviction application until after the Tenant has been given the notice of termination. In this case, the landlord filed the application one day before the date the Tenant is deemed to have been given the N6 Notice. Therefore, I find the Landlord prematurely filed the application as the Landlord was not permitted to file the application until a date after the Tenant was given the N6 Notice.

7. Therefore, the Landlord's application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

June 11, 2026
Date Issued

Angela Smith
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on December 23, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.