



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-013954-26

In the matter of: 320, 105 CLEMENT RD
ETOBICOKE ON M9R4C2

Between: Richview Baptist Foundation Landlord

And

Nioca Noble Tenant

Richview Baptist Foundation (the 'Landlord') applied for an order to terminate the tenancy and evict Nioca Noble (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

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

Only the Landlord's agent, Heather Boyachek attended the hearing.

As of 1:35 p.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. On January 13, 2026 the Landlords served a Notice of Termination (N4 notice) with a termination date of January 27, 2026. The N4 notice indicates the rental period as the 7th of the month to the 31st of the month.
2. At the hearing the Landlord's agent confirmed that the rental period is from the first day of the month to the last day of each month.
3. The Landlord's N4 notice is defective as it does not properly identify the correct rental period and as such, does not comply with section 59(2) of the *Residential Tenancies Act, 2006 (Act)*. As the N4 notice is defective the Board does not have the authority to terminate the tenancy.
4. The Landlord's agent was explained the options available as a result of the defective N4 including; withdrawing the L1 application, serving a new N4 notice and filing a new application or proceeding with the current application to collect arrears of rent only

pursuant to Section 87(1)(a) of the *Act*. The Landlord's agent was advised that proceeding with arrears of rent only would not include a provision terminating the tenancy.

5. The Landlord's agent requested to proceed with the application for an order for arrears only pursuant to Section 87(1)(a) of the *Act*, and I consented to the request.
6. As of the hearing date, the Tenant was still in possession of the rental unit.
7. The lawful rent is \$1,173.00. It is due on the 1st day of each month.
8. The Tenant has paid \$2,346.00 to the Landlord since the application was filed.
9. The rent arrears owing to May 31, 2026 are \$5,764.27.
10. The Landlord claimed \$25.00 to reimburse the Landlord for administration charges the landlord incurred as a result of preauthorized payments from the Tenant's bank account which were returned NSF.
11. Section 87(5) of the *Residential Tenancies Act, 2006* (the 'Act') states the following:

(5) On an application by a landlord under this section, the Board may include the following amounts in determining the total amount owing to a landlord by a tenant or former tenant in respect of a rental unit:

1. The amount of NSF cheque charges claimed by the landlord and charged by financial institutions in respect of *cheques tendered* to the landlord by or on behalf of the tenant or former tenant, to the extent the landlord has not been reimbursed for the charges. [Emphasis added]
12. The Landlord's agent confirmed that the payments were preauthorized withdrawals and not cheques tendered by the Tenant. Therefore, the Landlord is not entitled to reimbursement of those costs.
 13. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlord \$5,764.27. This amount includes rent arrears owing to May 31, 2026.
2. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
3. If the Tenant does not pay the Landlord the full amount owing on or before June 27, 2026,

the Tenant will start to owe interest. This will be simple interest calculated from June 28, 2026 at 4.00% annually on the balance outstanding.

June 16, 2026
Date Issued

Christina Philp
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.