



**Order under Section 69 / 88.2 / 89
Residential Tenancies Act, 2006**

File Number: LTB-L-109004-25

In the matter of: 40 PLAINS RD E
BURLINGTON ON L7T2B9

Between: Arun Anand Landlord

And

Ashley Carvalho Tenant

Arun Anand (the 'Landlord') applied for an order to terminate the tenancy and evict Ashley Carvalho (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 Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises;
- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully caused undue damage to the premises.

This application was heard by videoconference on April 9, 2026.

Only the Landlord's Agent Anjali Anand attended the hearing.

As of 2:00 pm, 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 Landlord filed this L2 application seeking to terminate the tenancy and evict the Tenant based on a first N5 Notice of termination.

2. However, the actual N5 Notice given to the Tenant and relied on by the Landlord in this application is a second, non-voidable N5 notice of termination. The Notice therefore advised the Tenant that it could not be voided and that the Landlord could apply to the Board for an eviction order.
3. A second, non-voidable N5 notice may only be given where the landlord has previously given the tenant a valid first N5 notice, and the tenant has engaged in the same or similar conduct within six months.
4. I find that the Landlord did not give the Tenant a valid first, voidable N5 notice before giving the second N5 Notice relied on in this application.
5. Because the Landlord had not first given the Tenant a valid first N5 notice, the Landlord was not entitled to give the Tenant a second, non-voidable N5 notice.
6. Accordingly, I find that the second N5 Notice relied on by the Landlord is invalid. The defect is substantive because the Notice deprived the Tenant of the statutory opportunity to correct the alleged conduct and void the notice.
7. As the Landlord's application is based on an invalid notice of termination, the application cannot succeed and must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

June 16, 2026

Date Issued

Kyle Anderson

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.