



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-001785-26

In the matter of: 802, 2170 SHEROBEE RD
MISSISSAUGA ON L5A3P8

Between: Kaneff Properties Limited Landlord

And

Orlando Monteith Tenant

Kaneff Properties Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Orlando Monteith (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 8, 2026.

The Landlord and his legal representative, Preston Haynes, a licensed paralegal and the Tenant's sister, Tanya Monteith, a licensed paralegal, attended the hearing.

Determinations:

1. The Landlord served the Tenant with an invalid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice).
2. The Tenant's agent argued that the N4 Notice contained amounts for damage claims and not just rental arrears. She pointed to DOC 8072827 which is a letter from the Landlord to the Tenant setting out the amounts owed by the Tenant to the Landlord which amounted to \$905.83 the exact amount of the "arrears" claimed on the N4. The Landlord's employee Narcisa Muharemi candidly testified, when asked by me, whether the arrears amount included historical damage claims, that the amount set out in the N4 Notice did include the damage claim in DOC 8072827.
3. An N4 Notice is served under section 59 of the Residential Tenancies Act, 2006 (Act) Subsection 59(2) states:

(2) The notice of termination shall set out the amount of rent due and shall specify that the tenant may avoid the termination of the tenancy by paying, on or before the termination date specified in the notice, the rent due as set out in the notice and any additional rent that has become due under the tenancy agreement as at the date of payment by the tenant.

4. Thus, an N4 Notice is delivered strictly for the purpose of advising the Tenant of arrears of rent. A claim for compensation damage a rental unit cannot be claimed on this document because it is not rent arrears. There are other notices and applications a landlord can use to make claims about damages.
5. The N4 Notice served by the Landlord was invalid and the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed, and the LTB file is closed.

June 17, 2026
Date Issued

Christina Budweth
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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before June 28, 2026

Rent Owing To June 30, 2026	\$908.92
Total the Tenant must pay to continue the tenancy	\$908.92

B. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$7,363.52
Less the amount of the last month's rent deposit	- \$1,513.92
Less the amount of the interest on the last month's rent deposit	- \$29.88
Total amount owing to the Landlord	\$5,819.72
Plus daily compensation owing for each day of occupation starting June 9, 2026	\$49.78 (per day)
**Ongoing daily compensation continues to accumulate until the total amount owing (excluding costs) is \$50,000.00.	