



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

File Number: LTB-L-028645-26

In the matter of: 617 DES AUBEPINES
Ottawa ON K4A0Z3

Between: Salimatou Diallo Landlords
Sékou Oumar Barry

And

Wayne Garnett Tenants
Amanda Lynch

Salimatou Diallo and Sékou Oumar Barry (the 'Landlords') applied for an order to terminate the tenancy and evict Wayne Garnett and Amanda Lynch (the 'Tenants') because:

- the Tenant did not pay the rent that the Tenant owes (L1 Application); and
- the Tenant has been persistently late in paying the Tenant's rent; (L2 Application).

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 9, 2026.

The Landlords attended the hearing.

The Tenant Wayne Garnett and their Legal Representative Vidy Matadeen attended the hearing

The Tenant Amanda Lynch 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.

Determinations:

Request to Adjourn

1. The Tenant Wayne Garnett's Legal Representative requested an adjournment because they had only been retained the day prior and that some of the documents could not be reviewed because they were in French.

2. The Landlords opposed this, stating that the N4 and N8 notices had been served in English.
3. The Tenant agreed that the other relevant documents were prepared on Board approved forms that are available in English and French.
4. As a result, I determined that an adjournment was not necessary for the Tenant to have documents translated. Any document that was in French was deemed not relevant for the purposes of this hearing. In particular, the Landlord had uploaded documents related to a new L2 application based on an N12 Notice, however that application was not before the Board in this hearing and was therefore not relevant to the proceedings.

L1 Application – Non-Payment of Rent

1. The Landlords agreed that they did not serve the Tenant Wayne Garnett with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice).

L2 Application – Persistent Late Payment of Rent

1. The Landlords agreed that they did not serve the Tenant Wayne Garnett with a valid Notice to End Tenancy Early for persistent late payments (N8 Notice).

Outcome

2. Where the Landlord commences a legal proceeding that could result in the eviction of their Tenants, they are obligated to serve all of the Tenants with a valid notice to end a tenancy.
3. Where a valid notice to end a tenancy is not served, the Tenant has in effect not received any of the minimum mandatory notice. In this case, the Tenant was entitled to 14 days notice for the unpaid arrears of rent and for 60 days notice for the persistent late payments.
4. In the absence of serving a valid notice, the applications could not proceed and must be dismissed.

It is ordered that:

1. The Landlords applications are dismissed.

June 18, 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.