



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

File Number: LTB-L-027355-26

In the matter of: 79 CAVERHILL CRES
KOMOKA ON N0L1R0

Between: Sharmini Sivakumar Landlord

And

NANDA E ARNOLD Tenant
KRISTOPHER D ARNOLD

Sharmini Sivakumar (the 'Landlord') applied for an order to terminate the tenancy and evict NANDA E ARNOLD and KRISTOPHER D ARNOLD (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 9, 2026 at 1:00 pm.

The Landlord Representative Thirusenthuran Sivapatham, the Landlord, the Landlord Witness Varun Sriskanda (VS) and the Tenant Kristoper Arnold attended the hearing.

Determinations:

1. The Landlord did not serve the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). Therefore, the application is dismissed.

Service dates of the N4 Notices: Valid termination date

2. At the outset of the hearing I identified to the Landlord Representative that neither a copy of the N4 Notice nor the corresponding Certificate of Service (COS) in support of this application had been submitted to the Board.
3. The Tenant testified that they had not received an N4 Notice.
4. In response the Landlord Representative submitted that they had only just been retained to represent the Landlord and requested that the matter be stood down so as to permit them to submit copies of both documents and to have the Landlord's witness join the hearing to attest to serving the N4 Notice.
5. The matter was held down and after several minutes, the Landlord Witness VS joined the hearing and attested to serving this "second valid" N4 Notice in person by slipping it

through the unit door on March 2, 2026. They testified that this N4 Notice was placed through the doors to ensure it was received as the Landlord had previously served a “first” N4 Notice which they determined to be invalid. They testified it was put through the doors to ensure the second attempt was valid and successful.

6. The Landlord testified, confirming twice, that they had served the Tenant the original “defective” N4 Notice on March 18, 2026. Confirming this date after I gave their Representative the opportunity to have the Landlord clarify this service date.
7. On June 9, 2026, the Landlord Representative submitted by email to the Board, the N4 Notice and the Certificate of Service for the N4 Notice. (Document number DOC-8155780). The N4 Notice states a termination date of March 17, 2026 and is signed by the Landlord on March 2, 2026. The Certificate of Service indicates the Tenant was served with the N4 Notice on March 2, 2026 by the Landlord Witness VS.
8. The Landlord and their Witness provided contradictory dates as to when the first and second N4 Notices were served on the Tenant.
9. Based on the contradictory evidence the Landlord and their witness and the documentary evidence, the Tenant reiterated their previous testimony that they were not served at all and called into question the credibility of the Landlord and their witness, submitting that they could not serve a “second” N4 Notice on March 8, 2026, prior to the “first defective” N4 being served on March 18, 2026.

Analysis

10. Subsection 69(1) of the *Residential Tenancies Act, 2006* (the “Act”) require a landlord to serve a Tenant a Notice of termination prior to filing an application before the Board.
11. Subsection 59(1) of the Act requires that the termination date given on a notice of termination for non-payment of rent not be before 14 days after the notice is given. In other words, the N4 Notice termination date must be a minimum of 14 days after the N4 Notice is served on the Tenant. If this is not the case, the N4 Notice is invalid and the Landlord may not seek a termination of the tenancy.
12. Having considered the evidence of the parties and the Landlord Witness VS, I find that the Landlord failed to prove on a balance of probabilities that the Tenant was served with a valid N4 Notice. I find that the Landlord and their witness’ testimony was contradictory and contradicted the documents presented. Further, even if I accepted that the second N4 Notice, upon which this application is based was filed on March 8, 2026, which I do not, I find that would not be 14 days prior to the termination date of March 17, 2026 and therefore would not be compliant with the requirements of the Act.

Therefore, I must dismiss the Landlord’s application.

It is ordered that:

1. The Landlord’s application is dismissed.

June 17, 2026
Date Issued

Kelly Delaney
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.