



Order under Section 69 Residential Tenancies Act, 2006

Citation: Amiraco Properties Inc. v Skrobacz, 2026 ONLTB 50052

Date: 2026-06-30

File Number: LTB-L-020284-26

In the matter of: 804, 2545 LAUZON RD
WINDSOR ON N8T3H9

Between: Amiraco Properties Inc. Landlord

And

Amanda Skrobacz Tenant

Amiraco Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Amanda Skrobacz (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 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 23, 2026.

The Landlord's witness Sarah Decaire-Kjarsgaard, the Landlord's legal representative Charlotte Williams, the Tenant and the Tenant's legal representative Tori-Lee Jenkins attended the hearing.

Determinations:

Preliminary Issue – Defective Application

1. The Landlord's L2 application is based on a second N5 termination notice.
2. At the outset of the hearing, I had advised the Landlord that their application had not included the first N5 notice and Certificate of Service (COS) which is required to be served with an application.
3. As per s.68(1)(a) of the Act, service of a first N5 is a precondition of serving a second N5 notice. O'Reg 516/06, s.53 provides that when filing the L2 application, the Landlord must

include the first N5 and COS. If not filed accordingly, the L2 must be dismissed as incomplete, without consideration of the merits.

4. The Landlord's representative said that the first N5 notice was included in the Landlord's disclosure brief, submitted on June 16, 2026 and should be accepted by the Board as per s.212 of the Act and substantial compliance. For completeness, I note, the brief does not include the first notice COS.
5. The Tenant's representative opposed the Landlord's assertion and said s.212 is related to content of forms and notices and not to the requirements of filing an application.
6. In this case, I find the general provision of s.212 does not save the Landlord's application or override the requirements of s.53 of the general regulation. In my view, the Landlord's failure to include the required documentation at the time of filing the application cannot be cured by s.212 of the Act.
7. Accordingly, the Landlord's application is dismissed.
8. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The Landlord's application is dismissed.

June 30, 2026
Date Issued

Dana Wren
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.