



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

File Number: LTB-L-026775-26

In the matter of: 303, 147 Main Street West
Shelburne ON L9V3K3

Between: Barbara Pambianchi Holdings Inc. Landlord

And

Kyle Irving Tenant

Barbara Pambianchi Holdings Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Kyle Irving (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 10, 2026.

Only the Landlord's Agent, Zuhaib Ali, attended the hearing.

As of 9:36 a.m., 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 an application to evict the Tenant based on a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice).
2. The Landlord did not file the N4 notice, or a certificate of service related to the N4 Notice, until the day before the hearing date.
3. Section 53, paragraph 1, of O.Reg 516/06 (the "Regulations") provides that an application with respect to a notice of termination on any ground must include both a copy of the notice of termination and a certificate of service for the notice of termination if the notice was given by the landlord.
4. Section 59(2) of the Regulations provides that where an application is filed electronically, the required documents must be received by the LTB within 5 days of the electronic filing of the application.

5. Section 185(1) of the Residential Tenancies Act, 2006 (the “Act”) provides that an application filed with the LTB shall be accompanied by the documents prescribed in the Regulations.
6. As no notice of termination or no certificate of service was filed within 5 days of the date of filing the application, I find that there is no complete application to proceed on.
7. For the reasons above, the LTB lacks jurisdiction to grant the application based on the N4 notice.

It is ordered that:

1. The Landlord’s application is dismissed.

June 30, 2026
Date Issued

Samantha Greaves
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.