



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

Citation: Sylvia A Lafontaine v Brooklyn Latour, 2023 ONLTB 44967

Date: 2023-06-20

File Number: LTB-L-072174-22

In the matter of: 84 CARLETON STREET
KINGSTON ON K7K4G1

Between: Sylvia A Lafontaine

And

Brooklyn Latour
Toni Barry
Unidentified Male

I hereby certify this is a
true copy of an Order dated
JUN 20, 2023
Landlord and Tenant Board

Landlord

Tenants

Sylvia A Lafontaine (the 'Landlord') applied for an order to terminate the tenancy and evict Brooklyn Latour, Toni Barry and Unidentified Male (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on May 23, 2023.

The Landlord, the Landlord's Legal Representative, Jordan Nieuwhof, and the Tenant, Toni Barry, attended the hearing. The Tenant spoke to Tenant Duty Counsel prior to the hearing.

Determinations:

Preliminary Issue – validity of the N4 Notice of Termination

1. At the hearing, the Member raised a preliminary issue with respect to the N4 notice of termination ('N4 Notice') and its validity.
2. The N4 Notice was served on the Tenants on September 11, 2022. The termination date on the N4 Notice is September 26, 2023. The N4 Notice also names only one Tenant, Toni Barry.
3. The N4 Notice has the following chart on page 2 to show how the Landlord calculated the arrears of rent owing:

Rent period		Rent charged:	Rent paid:	Rent owing:
From:	To:			
01/09/2022	30/09/2022	\$440.00	\$0.00	\$4,400.00

Total Rent Owing: blank

4. Section 59(2) of the *Residential Tenancies Act, 2006* (the 'Act') states: "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."
5. As explained at the hearing, I find the N4 Notice is invalid as it does not contain a valid total of rent owed for the period of one month. It states the monthly rent owed for the period of September 1, 2022 to September 30, 2022 is \$440.00 however it states the total amount owed as \$4,400.00.
6. At the hearing, the Landlord requested consent of the Board to withdraw their application.
7. In accordance with subsection 200(4) of the Act, I consent to the withdrawal of the application.

It is ordered that:

1. The Landlord's application is dismissed.

June 20, 2023
Date Issued



Susan Priest
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.