



Order under Section 69
Residential Tenancies Act, 2006

File Number: EAL-93106-20

In the matter of: UPPER UNIT, 1211 PORTLAND AVENUE
OTTAWA ON K1V6G1

Between: Ahmad Chahadi Landlord

and

Crystal Prudhomme Tenant

Ahmad Chahadi (the 'Landlord') applied for an order to terminate the tenancy and evict and Crystal Prudhomme (the 'Tenant') because the Tenant did not pay the rent that the Tenants owe.

This application was heard via videoconference on September 21, 2021. The Landlord, the Landlord's legal agent, M. Daccache and the Tenant attended the hearing.

Determinations:

1. Prior to the hearing, it came to the Board's attention that the Landlord had not filed the Certificate of Service swearing that the Tenant had been served with the N4 notice of termination with the termination date of December 17, 2020. The Landlord's legal agent stated she believed the Certificate of Service was filed. However, when prompted, she could not locate the email filing the Certificate of Service with the Board.

2. Rule 4.2 of the Board's Rules of Procedure states:

Where the LTB permits an application to be e-filed, any related Notice of Termination, affidavit, or Certificate of Service must be uploaded at the time of filing using the LTB's e-filing portal: <https://tribunalsontario.ca/lrb/e-file/>.

3. Further, Rule 4.3 of the Board's Rules of Procedure states:

If the Notice of Termination, affidavit or Certificate of Service cannot be uploaded at the same time as the application is e-filed, they must be emailed to the Regional Office responsible for the application within 5 calendar days of the e-filing. Failure to upload or to email these documents in time may result in administrative dismissal of the application.

4. Based on the information provided by the Landlord's agent, we are not satisfied that the Landlord filed the Certificate of Service within the time required by the Board. Pursuant to Rule 4.3, in the absence of the Certificate of Service, we find it appropriate to administratively dismiss this application.


It is ordered that:

1. The Landlord's application is dismissed.

November 2, 2021
Date Issued



Camille Tancioco
Member, Landlord and Tenant Board



Greg Brocanier
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.