



Tribunals Ontario

Landlord and Tenant Board

Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-02145-21

In the matter of: UNIT 2, 350 BROADWAY STREET
KINCARDINE ON N2Z1Y3

Between: Parker Rueger Landlord

and

David Brown Tenant

Parker Rueger (the 'Landlord') applied for an order to terminate the tenancy and evict David Brown (the 'Tenant') because the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard in video conference room 104, 2021.

The Landlord, the Landlord's representative, C. Bertrand, the Tenant and the Tenant's representative, K. Muzzell, attended the hearing.

Determinations:

1. The Landlord did not correctly identify the Tenant's rental unit in the Form N6 notice of termination. The Tenant adduce documentary and photograph evidence to show, on a balance of probabilities, that the street address for the rental unit is not 350 Broadway Street.
2. The Landlord is the owner of the residential complex that contains at least three residential units. Although the agreement of purchase and sale only identifies one street address for the three residential units, the Landlord was aware at all material times that the property contained three different addresses.
3. The Landlord's notice of termination therefore does not comply with subsection 43(1)(a) of the *Residential Tenancies Act, 2006* (the 'Act'), and is accordingly void.
4. The Landlord may give the Tenant a new notice of termination.

It is ordered that:

1. The Landlord's application is dismissed.

Harry Cho
Member, Landlord and Tenant Board

October 25, 2021
Date Issued

Central-RO
3 Robert Speck Pkwy, 5th Floor

Mississauga ON L4Z2G5

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

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