



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-01712-21

In the matter of: A, 4 DUNCAN STREET E
HUNTSVILLE ON P1H1V9

Between: Francis Botham Landlord

and

Jade Forth Tenant

Francis Botham (the 'Landlord') applied for an order to terminate the tenancy and evict Jade Forth (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused undue damage to the premises; because the Tenant or someone living or visiting the Tenant has used the rental unit or the residential complex in a manner that is inconsistent with use as a residential premises and that has caused or can be expected to cause significant damage; and because the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person. The Landlord has also applied for an order requiring the Tenant to compensate the Landlord for the damage.

This application was heard by way of video conference on October 21, 2021. The Landlord attended the hearing and was represented by Martin Calderon, Licensed Paralegal.

Determinations:

1. The Landlord's application is based on an N7 notice of termination served to the Tenant on July 8, 2021 with a termination date of July 19, 2021.
2. The N7 notice of termination identifies the address of the rental unit as follows:

4 Duncan St E. Huntsville, ON., P1H 1V9
3. The property is a single detached dwelling. Multiple Tenants reside in the home renting their own individual room and unit. The Tenant on this application resides in Unit A.
4. The Landlord's N7 notice does not indicate that rental unit is in "Unit A." The Landlord's L2 application did include the unit number.

5. Section 43(1) of the *Residential Tenancies Act, 2006*, (the Act) states

43 (1) Where this Act permits a landlord or tenant to give a notice of termination, the notice shall be in a form approved by the Board and shall,
(a) identify the rental unit for which the notice is given.
(b) state the date on which the tenancy is to terminate; and
(c) be signed by the person giving the notice, or the person's agent.
[emphasis added]

6. The Landlord's N7 notice is defective as it does not comply with Section 43(1)(a) of the Act. As the notice of termination is defective on it's face, the Board does not have the jurisdiction to terminate the tenancy.
7. The Landlord's legal representative requested to withdraw the claim for damages on the L2 application. 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.

November 1, 2021
Date Issued



Fabio Quattrocchi
Member, Landlord and Tenant Board

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.