



Order under Section 69
Residential Tenancies Act, 2006

File Number: TEL-12953-20

In the matter of: UNIT 508, 470 ALBERT STREET
OSHAWA ON L1H4S6

Between: Oshawa Br 43 Legion Manor Landlord

and

Shirley Neilson Tenant

Oshawa Br 43 Legion Manor (the 'Landlord') applied for an order to terminate the tenancy and evict Shirley Neilson (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. The Landlord has also applied for an order requiring the Tenant to compensate the Landlord for the damage.

This application was heard by videoconference on August 17, 2021. The Landlord's Agent, Monica French, the Landlord's Representative, Caroline Wilson, the Tenant, and the Tenant's Representative, Lisa Sclar, attended the hearing.

Determinations:

1. For the reasons below, the Landlord's application is dismissed.
2. Subsection 43(2) of the *Residential Tenancies Act, 2006* (the 'Act') provided that a notice of termination given by a landlord to a tenant must set out the reasons and details for the notice.
3. The Divisional Court's decision in *Ball v. Metro Capital Property*, [2002] O.J. No. 5931 (*Ball v. Metro*) held that the kinds of particulars that should be contained in a notice which is about a tenant's behaviour should include "dates and times of the alleged offensive conduct together with a detailed description of the alleged conduct engaged in by the tenant".
4. This application is based on a second N5 notice given to the Tenant in the past 6 months. The "details" section of the second N5 states "Bed Bug infestation – Repeated non compliance to prep, recommendations and reporting". The notice does not provide details of how the Tenant was non-compliant in prepping for the treatment.
5. Therefore, I find the notice is defective and the Landlord's application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

October 6, 2021

Date Issued

Toronto East-RO
2275 Midland Avenue, Unit 2
Toronto ON M1P3E7



Khalid Akram
Member, Landlord and Tenant Board

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