



Order under Section 21.2 of the  
**Statutory Powers Procedure Act**  
and the **Residential Tenancies Act, 2006**

**File Number:** SOL-12048-20-RV

**In the matter of:** 6, 106 LOCK STREET E  
DUNNVILLE ON N1A1J7

**Between:** Lantmark Holdings Inc. Landlord

**and**

Matthew Passmore Tenant

**Review Order**

Lantmark Holdings Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Matthew Passmore (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; 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.

This application was resolved by order SOL-12048-20 issued on February 24, 2020.

On March 12, 2020, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 13, 2020 interim order SOL-12186-20 -IN was issued, staying the order issued on September 8, 2020.

The request was heard via video conference on October 5, 2021.

Henry Lanting on behalf of the Landlord, the Landlord's legal representative, Leanne Vreugdenhil, and the Tenant, attended the hearing.

The Tenant declined the opportunity to speak with Tenant Duty Counsel prior to the hearing.

**Determinations:**

1. It was the evidence of the Tenant that he did not receive the notice of hearing. The Tenant also testified that the address on the order is also incorrect.
2. There was no dispute that the address of the rental unit is unit #6 at 108 Locke Street East, Dunnville, ON.

3. I granted the review as I find it more likely than not, that the Tenant did not receive the notice of hearing.
4. As I stated at the hearing, the Landlord's Form N7 Notice of Termination was defective as the address of the rental unit was not correctly identified.
5. A tenancy cannot terminate on a defective notice.
6. The Landlord could have proceeded with the L2 application for alleged damages.
7. At the hearing, the Landlord requested the consent of the Board to withdraw their application.
8. In accordance with subsection 200(4) of the Act, I consent to the withdrawal of the application.

**It is ordered that:**

1. The Tenant's request for review is granted.
2. Order SOL-12048-20 issued on February 24, 2020 is cancelled and the application filed by the Landlord is dismissed as withdrawn.

**October 12, 2021**  
**Date Issued**



**Debbie Mosaheb**  
Member, Landlord and Tenant Board

Southern-RO  
119 King Street West, 6th Floor  
Hamilton ON L8P4Y7

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