



Order under Section 69
Residential Tenancies Act, 2006

Citation: Michael Garner v Evelyn Ryan, 2023 ONLTB 39930

Date: 2023-05-31

File Number: LTB-L-043625-22

2023 ONLTB 39930 (CanLII)

In the matter of: Unit A-Room 1, 319 Oxford street
Orillia ON L3V1H9

Between: Michael Garner Landlord

And

Evelyn Ryan Tenant

Michael Garner (the 'Landlord') applied for an order to terminate the tenancy and evict Evelyn Ryan (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on May 18, 2023.

The Landlord and the Tenant attended the hearing.

Determinations:

1. The Landlord served the Tenant with an N8 notice of termination. The rental unit is Unit A, Room 1 at 319 Oxford Street, Orillia, Ontario. The N8 notice does not correctly identify the address of the rental unit. It incorrectly identifies the rental unit as “319 Oxford St, Orillia, L3V 1H9 unit 1”.
2. Subsection 43(1) of the Residential Tenancies Act, 2006 (the ‘Act’) sets out the minimum requirements for a notice of termination of a tenancy. Paragraph 43(1)(a) of the Act provides that a notice of termination shall identify the rental unit for which the notice is given. The N8 notice served on the Tenant does not correctly identify the rental unit for which the notice was given and so this notice is invalid.
3. Accordingly, the Landlord’s application must be dismissed.

It is ordered that:

1. The Landlord’s application is dismissed without prejudice to the landlord filing a new application after serving a proper notice of termination.

May 31, 2023

Date Issued

Mark Melchers

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.

