



Order under Section 69 Residential Tenancies Act, 2006

Citation: Perimeter Forest Limited Partnership v Sheppard, 2023 ONLTB 25468

Date: 2023-03-08

File Number: LTB-L-045226-22

In the matter of: DAV073 Spruce Lake-Southeast Shore Davieaux
Township ON P0S1A0

Between: Perimeter Forest Limited Partnership Landlord

And

Peter Sheppard Tenant

Perimeter Forest Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Peter Sheppard (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 2, 2023.

Only the Landlord's Legal Representative, William McPhee, attended the hearing.

As of 2:10 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) on June 8, 2022 by courier. The notice was not signed or dated.
2. Section 43(1) of the *Residential Tenancies Act, 2006* (the 'Act') says:
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.
3. Therefore, as it is mandatory pursuant to section 43(1)(c) of the Act that a notice of termination be signed, the above notice is fatally flawed and eviction cannot be granted.

4. The Landlord's Legal Representative opted to pursue an order for payment of the monies owing in light of the above.
5. As of the hearing date, the Tenant was still in possession of the rental unit.
6. The lawful rent is \$703.22. It is due on the 1st day of January each year..

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7. The Tenant has not made any payments since the application was filed.
8. The rent arrears owing to December 31, 2023 are \$9,141.86.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. There is no rent deposit.

It is ordered that:

1. The Tenant shall pay the Landlord \$9,327.86 for arrears up to December 31, 2022 including the application filing fee.
2. If the Tenant does not pay the Landlord the full amount owing on or before March 19, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 20, 2023 at 5.00% annually on the balance outstanding.

March 8, 2023 _____ **Date Issued**
Diane Wade

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor Toronto
ON M7A 2G6

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

