



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

Citation: de la Roca v Norleen Aka Fortin, 2022 ONLTB 13279

Date: 2022-11-25

File Number: LTB-L-009414-22-RV

In the matter of: Apt. B, 115 Burton Avenue
City of Barrie Ontario L4N2R7

Between: Louis de la Roca Landlord

And

Brandi Norleen AKA Fortin Tenant

Review Order

Louis de la Roca (the 'Landlord') applied to the Board to terminate the tenancy and evict Brandi Norleen, AKA Fortin, because the Tenant has been persistently late in paying the rent.

This application was resolved by order LTB-L-009414-22, issued on June 21, 2022.

On July 12, 2022, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. I have listened to the June 13, 2022 hearing recording and I have reviewed the Board's application record. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.
2. The hearing recording does not support the Landlord's review submission, that at the hearing the presiding adjudicator ruled that she will terminate the tenancy 11 days after the Board order is issued. The adjudicator made no such order.
3. The adjudicator correctly ruled that the Landlord's Form N8 eviction notice is void. Subsection 44(4) of the *Residential Tenancies Act, 2006* (the 'Act') states that a landlord must give the eviction notice "at least 60 days before the expiration date specified in the tenancy agreement" to terminate a tenancy for persistent late payment of rent under section 58 of the Act.
4. In this present case, the Landlord gave the eviction notice to the Tenant on October 24, 2021. The date of termination in the Landlord's eviction notice was November 30, 2021, the date on which the tenancy agreement expired. Since the Landlord gave the Tenant less than 60 days notice to terminate the tenancy, the presiding adjudicator correctly ruled that the eviction notice is invalid.

5. The Landlord has therefore not shown that a serious error exists in the June 21, 2022 order, or that a serious error occurred at the June 13, 2022 hearing. The request to review the order will accordingly be denied.

It is ordered that:

1. The request to review order LTB-L-009414-22, issued on June 21, 2022, is denied. The order is confirmed and remains unchanged.

November 25, 2022

Date Issued

Harry Cho

Member, Landlord and Tenant Board

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