



Order under Section 69 Residential Tenancies Act, 2006

Citation: Poole v Renee, 2026 ONLTB 2003

Date: 2026-01-09

File Number: LTB-L-071630-25

In the matter of: BACK UNIT, 197 ST LAWRENCE ST E
MADOC ON K0K2K0

Between: Karen Poole Landlord

And

Adele Renee Tenants
Zachary McGinn

Karen Poole (the 'Landlord') applied for an order to terminate the tenancy and evict Adele Renee and Zachary McGinn (the 'Tenants') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on December 9, 2025.

The Landlord's Legal Representative, Lorrie McCullough, the Landlord, the Tenant's Legal Representative, Hans Loewig and the first-named Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy or the claim for compensation in the application. Therefore, the application is dismissed.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. On August 23, 2025, the Landlord gave the Tenant an N12 notice of termination deemed served on the same date with the termination date of October 31, 2025. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation for the Landlord's caregiver.

4. In support of this application, the Landlord filed a declaration from Kim Willis dated August 27, 2025 whereby she declared that she is the caregiver of the Landlord and that she would be moving into the residential unit for a minimum period of one year in good faith. The declaration complies with the requirements of section 72(1) of the *Residential Tenancies Act*, 2006, (hereinafter referred to as the "Act.")
5. The Tenant's Legal Representative raised a preliminary issue regarding the Landlord's failure to include all N12 notices of termination in the application. Pursuant to section 71.1(3) of the Act, the Landlord was required to disclose any other notices under section 48, 49 or 50 within the last two years. Mr. Loewig sought to have the application dismissed as the Landlord failed to disclose a previous N12 notice given to the Tenant.
6. Mr. Loewig brought to my attention Evidence ID# 6899704 which formed part of the Tenant's disclosure. In this package, an N12 notice of termination dated April 29, 2025 with a termination date of July 1, 2025 was provided whereby the Landlord sought to have her care service provider move into the rental unit.
7. Mr. Loewig submitted that due to the fact that the Landlord did not disclose this previous N12 notice of termination on her application, the Landlord's application should be dismissed based on her failure to adhere to section 71.1(3) of the Act.
8. Further, Mr. Loewig submitted that he served this disclosure on Ms. McCullough 7 days in advance of today's hearing and that she took no steps to amend the application to reflect the omission.
9. Ms. McCullough submitted that there had been confusion between herself and her client regarding previous notices of termination and that she was unaware that a previous N12 notice had been served. Further she submitted this omission caused no prejudice to the Tenant as the Tenant had full knowledge of the previous notice.
10. Ms. McCullough also brought my attention to the Landlord's declaration dated August 27, 2025 wherein the Landlord stated "Except for these tenants, I have not given any tenant a notice of termination under section 48, 49 or 50 for any rental unit in the last two years."
11. Ms. McCullough submitted other Board decisions from Members who refused to dismiss an application based on the Landlord's failure to include all previous N12 notices. She requested that I allow an amendment to the application so that it could proceed today.

Law and Analysis

12. Subsection 71.1(3) of the Act states: "A landlord who, on or after the day subsection 11(2) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act*, 2020 comes in to force, files an application under section 69 based on a notice of termination given under section 48, 49 or 50 shall, in the application, a) indicate whether or not the landlord has, within two years before filing the application, given any other notice under sections 48, 49 or 50 in respect of the same or a different rental unit," and goes on to detail the information that must be provided with respect to each previous notice described in clause a).
13. The wording of 71.1(3) is plain and clear and the wording in the L2 application itself is equally clear. "If you have given any other N12 notices in the past two years for this rental

unit or any other rental unit you must complete the chart and provide all the requested information for each notice.”

14. Subsection 71.1(3) of the Act is intended to ensure that the tenant has full knowledge of all previously delivered N12 and N13 notices and that the LTB has the evidence required to determine whether the landlord delivered the relevant termination notice in good faith. Subsection 73(2) of the Act states: “In determining the good faith of the landlord in an application described in subsection (1), the Board may consider any evidence the Board considers relevant that relates to the landlord’s previous use of notices of termination under section 48, 49 or 50 in respect of the same or a different rental unit.”
15. The previous N12 notice of termination was signed by the Landlord on April 29, 2025 and served to the Tenant on or around the same date. Through the Landlord’s Legal Representative, the Landlord served another N12 notice to the Tenant on August 23, 2025, less than 4 months later. This current application was filed with the Board on August 27, 2025.
16. Mr. Loewig submitted that he served his material, including the previous N12 notice of termination, to Ms. McCullough 7 days prior to the hearing date. No attempts to amend the application were made from the date of application to the hearing date.
17. Further, I note that the Landlord’s declaration dated August 27, 2025 where it states “Except for these tenants, I have not given any tenant a notice of termination under section 48, 49 or 50 for any rental unit in the last two years.” I take issue with this clause due to the fact that there was a previous N12 notice served to the Tenant.
18. I find that this application must be dismissed based on the Landlord’s failure to comply with section 71.1(3) of the Act which states that a Landlord “shall” disclose previous N12 notices when applying to the Board for a termination order under section 48, 49 or 50 of the Act.

It is ordered that:

1. The Landlord’s application is dismissed.

January 9, 2026

Date Issued

Carrie Bertrand

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.