



Order under Section 69 Residential Tenancies Act, 2006

Citation: DICKIE v ANDRUS, 2026 ONLTB 2267

Date: 2026-01-05

File Number: LTB-L-066442-25

In the matter of: C, 282 MISSISSAGA ST W
ORILLIA ON L3V3B8

Between: MARC DICKIE Landlord

And

DONNA ANDRUS Tenant

MARC DICKIE (the 'Landlord') applied for an order to terminate the tenancy and evict DONNA ANDRUS (the 'Tenant') because:

- the Landlord requires vacant possession of the rental unit in order to do major repairs or renovations to the unit.

This application was heard by videoconference on November 17, 2025.

The Landlord and the 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 because the Landlord did not pay the compensation required by section 54 of the *Residential Tenancies Act, 2006* (the "Act"). The application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed and remained in possession on the date of the hearing.
3. On May 26, 2025, the Landlord gave the Tenant a Notice to End your Tenancy Because the Landlord Wants to Demolish the Rental Unit, Repair it or Convert it to Another Use (Form N13). The N13 identifies Reason 2: the Landlord requires the rental unit to be vacant in order to do repairs or renovations that are so extensive that a building permit is required and vacant possession of the unit is necessary. The termination date in the notice is September 30, 2025.
4. The residential complex contains fewer than five residential units.

5. Section 54(3) of the Act requires a landlord to compensate a tenant who receives a notice of termination under section 50 for the purpose of repairs or renovations, where:
 - the tenant has not given notice under subsection 53(2);
 - the notice of termination is given on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* received Royal Assent and section 55 does not apply;
 - the residential complex contains fewer than five residential units; and
 - the repair or renovation was not ordered to be carried out under the authority of this or any other Act.
6. In those circumstances, the landlord must compensate the tenant in an amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant.
7. The documents from the City relate to an open building permit and a failed final inspection. They identify deficiencies that must be addressed before the permit can be closed, but they are not framed as an "Order to Comply", "Order to Repair" or similar enforcement order issued under the *Building Code Act* or any other statute.
8. On this evidence, I find that the repairs or renovations described in the N13 have **not** been "ordered to be carried out under the authority of this or any other Act" within the meaning of section 54. The work arises from an open permit and inspection process, not from a formal enforcement order. The Landlord is therefore required to compensate the Tenant in an amount equal to one month's rent or to offer her another rental unit acceptable to her.
9. The evidence is that the Landlord did not pay the Tenant compensation equal to one month's rent and did not offer another acceptable unit by the September 30, 2025 termination date.
10. Section 55.1 of the Act requires that compensation payable under section 54 be paid no later than the termination date set out in the notice. Where the required compensation has not been paid by that date, the Board shall not make an order terminating the tenancy and evicting the tenant based on that notice.
11. Because the Landlord failed to pay the compensation required under section 54(3) by the termination date in the N13, the Board cannot grant an eviction order on the basis of this application. The application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 5, 2026
Date Issued

Colin Elsby
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.