



Order under Section 69 Residential Tenancies Act, 2006

Citation: Desormais Inc. v Villeneuve, 2026 ONLTB 2281

Date: 2026-01-05

File Number: LTB-L-066617-25

In the matter of: 10, 519 NOTRE DAME AVE
SUDBURY ON P3G1M7

Between: Desormais Inc. Landlord

And

Yves Villeneuve Tenant

Desormais Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Yves Villeneuve (the 'Tenant') because:

- the Landlord requires possession of the rental unit in order to convert the unit to a non-residential use.

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

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

The Landlord's agent, Daniele Gervais, 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 or the claim for compensation in the application. The application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On July 31, 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 notice specifies Reason 3: the Landlord states an intention to convert the rental unit or the residential complex to a non-residential use. The termination date in the notice is November 30, 2025.

4. In the section “Details About the Work I Plan to do”, the Landlord wrote that the work planned is “Student Housing” and described installation of a shared kitchen and shared facilities, reconfiguration of common areas to create communal spaces for students, and dividing large rooms into smaller private rooms and spaces for students. The N13 states that no permits or other authorization are necessary to convert the rental unit or demolish it
5. The Landlord’s position is that the complex is zoned as a hotel and that the units are being converted to student housing or dormitories. The Landlord submits that this is a non-residential use.
6. The Tenant relies in part on an earlier Board order, File Number LTB-T-075599-22, issued January 6, 2023, which determined that the *Residential Tenancies Act, 2006* (the “Act”) applies to this unit. In that order, the Board rejected the Landlord’s argument that the premises are exempt because they are located in a hotel and found that the Tenant is not travelling or vacationing public but has lived in the unit as his home for several years.
7. There is no evidence that the building is now operated by, or as part of, an educational institution, or that it meets the specific conditions in paragraph 5(g) of the Act for student accommodation to be exempt. The evidence is that the complex is used to house students from various colleges or universities and is not restricted to one institution.
8. The work described in the N13 and by the Landlord is directed at reconfiguring the building and common areas to operate as student housing. On this record, I find that the proposed use remains residential accommodation, even if marketed or configured as student housing or dorms. It is not a conversion to a non-residential use within the meaning of section 50(1)(b) of the Act.
9. In addition, the Landlord acknowledged that no permits or other authorizations have been obtained or are required for the changes described. Section 73 of the Act requires the Board, before making an order based on a notice under section 50, to be satisfied that the Landlord intends in good faith to carry out the activity on which the notice is based and that the Landlord has obtained all necessary permits or has taken all reasonable steps to obtain them, where required. Given my finding that the proposed use is still residential, the Landlord has not established that the activity contemplated by section 50(1)(b), conversion to a non-residential use, is actually being undertaken.
10. For these reasons, the Landlord has not proven, on a balance of probabilities, that the tenancy may be terminated on the basis of an N13 for conversion of the unit to a non-residential use. 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.