



Order under Section 69 Residential Tenancies Act, 2006

Citation: Marcotte v Boulard, 2026 ONLTB 2312

Date: 2026-01-07

File Number: LTB-L-070316-25

In the matter of: 2, 390 DELL ST
SUDBURY ON P3B2M1

Between: Garret Marcotte Landlord

And

Bernadette Boulard Tenant

Garret Marcotte (the 'Landlord') applied for an order to terminate the tenancy and evict Bernadette Boulard (the 'Tenant') because:

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

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

The Landlord, the Tenant, and the Tenant's legal representative, Nathan Boivin, attended the hearing.

Determinations:

1. The Landlord's application is dismissed for the reasons set out below.
2. On May 7, 2025, the former landlord, Big North Capital Inc. gave the Tenant an N12 notice of termination with the termination date of July 31, 2025. The notice was given on behalf of the purchaser, Garret Marcotte (G.M.), who claims that they require vacant possession of the rental unit for the purpose of residential occupation.
3. The close date for the purchase of the residential complex containing the rental unit was June 5, 2025. On that date, the purchaser, G.M., became the current Landlord. On August 25, 2025, the Landlord then filed this L2 application to evict the Tenant based on the N12 notice that was served on May 7, 2025.
4. The Landlord testified that the residential complex contains 4 units.

5. The Landlord is seeking termination of the tenancy pursuant to section 49 of the Residential Tenancies Act, 2006 (the 'Act'). That section states the following:

49 (1) A landlord of a residential complex **that contains no more than three residential units** who has entered into an agreement of purchase and sale of the residential complex may, on behalf of the purchaser, give the tenant of a unit in the residential complex a notice terminating the tenancy, if the purchaser in good faith requires possession of the residential complex or the unit for the purpose of residential occupation by,

- (a) the purchaser;
- (b) the purchaser's spouse;
- (c) a child or parent of the purchaser or the purchaser's spouse; or
- (d) a person who provides or will provide care services to the purchaser, the purchaser's spouse, or a child or parent of the purchaser or the purchaser's spouse, if the person receiving the care services resides or will reside in the building, related group of buildings, mobile home park or land lease community in which the rental unit is located.

[Emphasis added]

6. Section 49 of the Act sets a clear limitation on the number of units within a residential complex for which a purchaser may seek termination of a tenancy for their own use. In this case, the residential complex has 4 units and therefore, the former landlord Big North Capital Inc. was prohibited from serving an N12 on behalf of the purchaser, G.M.. As such, this application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 7, 2026
Date Issued

Melissa Anjema
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.