



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-071815-25

In the matter of: UPPER LEVEL, 7154 A AIRPORT RD
MISSISSAUGA ON L4T2H1

Between: Dharmvir Bhakri Landlord
Bharti Bhakri

And

Melissa Ahlers Tenant

Dharmvir Bhakri and Bharti Bhakri (the 'Landlord') applied for an order to terminate the tenancy and evict Melissa Ahlers (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.

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 January 5, 2026.

The Landlord, Dharmvir Bhakri, the Landlord's Legal Representative, Samila Waslat and the Tenant attended the hearing.

Determinations:

Preliminary Issue – Is the Landlord an Individual?

1. At the hearing, the Tenant raised a preliminary issue that the rental unit is owned by a numbered corporation and as a result, subsection 48(5) of the *Residential Tenancies Act, 2006* (the 'Act') prevents a corporation from serving an N12 notice.
2. Subsection 48(5) of the Act states:

This section does not authorize a landlord to give a notice of termination of a tenancy with respect to a rental unit unless,

- (a) The rental unit is owned in whole or in part by an individual; and

(b) The landlord is an individual.

3. The Tenant entered into evidence a property title search showing that the owner of the rental unit is the numbered company, 12273063 Canada Inc.
4. The Landlord did not dispute that the property is owned in whole by the numbered corporation as submitted by the Tenant.
5. The sole Landlord in this case is 12273063 Canada Inc.
6. The Landlord sought to withdraw the application and I consented to the request.

Return of Compensation

7. The Landlord has compensated the Tenants an amount equal to one month's rent in the amount of \$1,728.45 on May 28, 2025.
8. Subsection 73.1 of the Act states:

If the landlord compensated the tenant under section 48.1, 49.1, 52, 54 or 55, as the case may be, in connection with a notice of termination under section 48, 49 or 50 and the Board refuses to grant an application under section 69 for an order terminating the tenancy and evicting the tenant based on the notice, the Board may order that the tenant pay back the compensation to the landlord.

9. I am directing the Tenants to return to the Landlord the monetary compensation they were paid.

It is ordered that:

1. The Landlord's application is withdrawn.
2. The Tenants shall return to the Landlord the compensation paid to them in the amount of \$950.00 on or before January 25, 2026.
3. If the Tenants do not pay the Landlord the full amount owing on or before January 25, 2026, the Tenants will start to owe interest. This will be simple interest calculated from January 26, 2026, at 4.00% annually on the balance outstanding.

January 14, 2026

Date Issued

Christopher Lin

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.