



Order under Section 57 Residential Tenancies Act, 2006

Citation: Crossman v Euteneier, 2026 ONLTB 3030

Date: 2026-01-14

File Number: LTB-T-041715-25

In the matter of: 13353 Highway 7
Georgetown ON L7G4S4

Between: Bretta Lee Crossman Tenant

And

Mark Leah Euteneier Landlord

Bretta Lee Crossman (the 'Tenant') applied for an order determining that Mark Leah Euteneier (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on December 11, 2025.

The Landlord and the Tenant attended the hearing.

Determinations:

1. As explained below, the Tenant's application is dismissed for lack of jurisdiction.
2. The Tenant vacated the rental unit December 1, 2025.

Procedural Background

N12 Notice

3. It is uncontested the Landlord served an N12 Notice of termination on February 20, 2024 with a termination date of April 30, 2024. This notice resulted in an application filed by the Landlord. That application was dismissed (LTB-L-014489-24).
4. It is uncontested the Landlord did not serve any further N12 notices to the Tenant.

Non-Payment of Rent

5. It is uncontested the Landlord served the Tenant an N4 notice of termination on June 24, 2023 for arrears owing too June 30, 2023. This notice resulted in an application filed by the Landlord. That application was resolved by way of mediated agreement (LTB-L-05645-23).

6. The Tenant breached the mediated agreement and the Landlord filed a subsequent application seeking termination of tenancy (LTB-L-054583-24-SA). This application resulted in termination of tenancy as of November 30, 2024.

Analysis

7. Subsection 57(1)(a) of the *Residential Tenancies Act, 2006* (the 'Act') requires the Tenant to prove each of the following on a balance of probabilities:
 - The Landlord gave the Tenant an N12 notice of termination under section 48 of the Act;
 - **The Tenant vacated the rental unit as a result of the N12 notice of termination** [Emphasis Added];
 - No person referred to in subsection 48(1) of the Act occupied the rental unit within a reasonable time after the Tenant vacated; and
 - The Landlord served the N12 notice of termination in bad faith.
8. I find that the Tenant did not vacate the rental unit as a result of the N12. It is clear based on the order of events that the Tenant vacated the rental unit as a result of the eviction order LTB-L-054583-24-SA arising from nonpayment of rent.
9. Since the Tenant has not satisfied the second part of the test in subsection 57(1)(a), the Board does not have the jurisdiction to grant the Tenant's application.

It is ordered that:

1. The Tenant's application is dismissed.

January 14, 2026
Date Issued

Elena Jacob
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.