



Order under Section 69 Residential Tenancies Act, 2006

Citation: Mendoza v Besada, 2026 ONLTB 4900

Date: 2026-01-19

File Number: LTB-L-076502-25

In the matter of: 8 LAMBDON WAY
WHITBY ON L1M0L3

Between: Giancarlo Mendoza Landlords
Carrie Mendoza

And

Jennifer Besada Tenant

Giancarlo Mendoza and Carrie Mendoza (the 'Landlords') applied for an order to terminate the tenancy and evict Jennifer Besada (the 'Tenant') because:

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

This application was heard by videoconference on January 12, 2026.

The first-named Landlord, the Tenant's Legal Representative 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 and the claim for compensation in the application. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On August 31, 2025, the Landlord gave the Tenant an N12 notice of termination deemed served on the same date with the termination date of October 31, 2025. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by their parent.

4. The Tenant's Legal Representative brought up a preliminary issue that compensation had not been paid to the Tenant from the Landlord.
5. I provided the Landlord an opportunity to provide his submissions and he stated that the Tenant refuses to vacate the rental unit which is why he refuses to pay her the compensation.
6. The Landlord has not paid the Tenant the required compensation or offered a unit acceptable to the Tenant and the termination date has passed. Section 83(4) of the *Residential Tenancies Act, 2006* (hereinafter referred to as the "Act") states that "The Board shall not issue an eviction order in a proceeding regarding termination of a tenancy for the purposes of residential occupation, demolition, conversion to non-residential rental use, renovations or repairs until the landlord has complied with section 48.1 in this case." This is a mandatory requirement that needs to be satisfied in order for the Landlord to be successful in his application. Having failed to pay the required compensation, even if the Landlord's intention to reside in the unit is in good faith, the Landlord's application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 19, 2026
Date Issued

Carrie Bertrand
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.