



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-091898-25

In the matter of: 1, 32 CHURCH ST
NEW HAMBURG ON N3A1H9

Between: Robert Lindner Landlord

And

Tim Kebbel Tenants
Holly Di Bartolomeo

Robert Lindner (the 'Landlord') applied for an order to terminate the tenancy and evict Tim Kebbel and Holly Di Bartolomeo (the 'Tenants') 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 January 12, 2026.

The Landlord and the Tenants attended the hearing.

Determinations:

1. The Tenants were in possession of the rental unit on the date the application was filed.
2. On September 25, 2025, the Landlord gave the Tenants an N12 notice of termination with the termination date of November 30, 2025. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by the Landlord.
3. As I advised the parties at the hearing, section 48.1 of the *Residential Tenancies Act, 2006* (the 'Act') states that if a landlord serves an N12 notice for landlord's own use, the landlord must pay the tenant compensation equal to one month's rent or offer the tenant another rental unit acceptable to the tenant. Section 55.1 of the Act requires the landlord to pay the compensation by the N12 termination date, which in this case is November 30, 2025. This requirement is clearly set out on the N12 notice which the Landlord completed and gave to the Tenant as well as the L2 application the Landlord submitted to the LTB.

4. Section 83(3) of the Act provides that the LTB cannot issue an eviction order if this compensation has not been paid.
5. The Landlord was candid that he has not compensated the Tenants an amount equal to one month's rent and the termination date has passed. As a result, the Landlord's application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed and the LTB file is closed.

January 22, 2026
Date Issued

Christina Budweth
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.

