



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-076379-25

In the matter of: 273 John garland blvd
Etobicoke ON M9V1N9

Between: Eulalee Angela Smith Landlord

And

Bilal Azhar Khan Tenant

Eulalee Angela Smith (the 'Landlord') applied for an order to terminate the tenancy and evict Bilal Azhar Khan (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 12, 2026.

The Landlord's husband, Eseroghene Akpose, and the Tenant attended the hearing.

Determinations:

1. The Tenant was in possession of the rental unit on the date the application was filed.
2. On June 29, 2025, the Landlord gave the Tenant an N12 notice of termination deemed served June 29, 2025 with the termination date of August 31, 2025. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by her daughter.
3. As I advised the parties at the hearing, section 48.1 of the *Residential Tenancies Act, 2006* (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 evidence at the hearing was that the Landlord has been returning the Tenant's e-transfers of rent payments since the termination date and has said to the Tenant "why are you paying rent you are supposed to be out of here." He also stated that he intended "pay the Tenant compensation only after the Tenant moved out." The Tenant's evidence was that he continued to pay rent because he intended to fight the eviction for Landlord's own use and did not want to be evicted for non-payment of rent. The Tenant stated that the Landlord never spoke to him about compensation or offered any compensation in connection with the N12.
6. The Landlord has not compensated the Tenant an amount equal to one month's rent and the termination date has passed.
7. 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 23, 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.