



Order under Section 69 Residential Tenancies Act, 2006

Citation: Rezaiy v Freeman, 2026 ONLTB 7155

Date: 2026-01-23

File Number: LTB-L-059190-25

In the matter of: 2329 CRYSTAL BEACH RD
INNISFIL ON L9S3W8

Between: Safiullah Rezaiy Landlord

And

Lynn Denise Freeman Tenant

Safiullah Rezaiy (the 'Landlord') applied for an order to terminate the tenancy and evict Lynn Denise Freeman (the 'Tenant') because:

- the Landlord requires possession of the rental unit in order to demolish the unit.

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 October 14, 2025.

The Landlord, the Landlord's legal representative, T. Butters and the Tenant attended the hearing.

The application proceeded without the Tenant at 9:30 a.m. After hearing all of the Landlord's evidence, the Tenant checked into the hearing after 10:30 a.m. I proceeded to reconvene the hearing and heard all the evidence again, after the Tenant arrived. The Tenant had not disclosed any documentation prior to the hearing. All her evidence was testimonial.

Determinations:

Preliminary Issue: Validity of Application

1. There were two issues with the Landlord's application.

2. The first related to whether the Landlord had served any other N12 or N13 notices in the past two years for this rental unit or any other rental unit. The Landlord wrote in his application that he had not served any previous N12 or N13 notices in the past two years.
3. It is undisputed that the Landlord served the Tenant with an N13 notice of termination on May 6, 2025, for a different application, LTB-L-041402-25. That application was dismissed in order LTB-L-041402-25 issued on June 23, 2025, when the Landlord failed to attend the hearing scheduled for June 13, 2025. As it happens, in that application, the Landlord attested to having served yet another N13 notice of termination on April 17, 2025. That would mean that the Landlord had served at least two prior N13 notices on the Tenant before this application, neither of which was disclosed in the original application.
4. The N13 notice of termination that forms the basis of this application was served by courier on July 13, 2025, and therefore it is deemed served on July 14, 2025. The application was filed on July 18, 2025.
5. The Landlord did file an amended application on October 6, 2025, just over a week before the hearing, in which he discloses three other N13 notices of termination, the one on April 17, 2025, disclosed in the abandoned application but not in this, and two others, not disclosed in either application, one on April 15, 2025, and one on August 17, 2025. Of course, the one from August 17, 2025, was served after this application was filed. However, it is unclear why the Landlord would serve yet another N13 notice of termination before this application was resolved. In the amendment, the Landlord does not disclose the other N13 notice of termination, served on May 6, 2025, that formed the basis of LTB-L-041402-25.
6. The other issue with the application, pointed out by the Tenant, is that on the original application for this hearing, the Landlord ticked the box saying that he had not yet obtained the necessary building permits to do the work. In the amended application, dated October 6, 2025, the Landlord ticks the box saying that he has obtained the necessary building permits to do the work. Yet, at the hearing, it is the Landlord's evidence that he has not obtained the necessary permits to do the work because he cannot obtain a permit to demolish the building until all the utilities are disconnected, and he cannot disconnect all the utilities because the Tenant refuses to leave the building.
7. Subsection 71.1(3)(a) of the Residential Tenancies Act, 2006 (the 'Act') provides that a Landlord shall, in the application, indicate whether or not the landlord has, within two years prior to filing the application, given any other notice under section 48, 49 or 50 in respect of the same or a different rental unit.
8. It is undisputed that the Landlord has failed to comply with subsection 71.1(3)(a) of the Act in either his original application, or even in his amended application that lists a number of prior N13 notices of termination but still omits at least one that is known.
9. The issue before me is whether the failure to comply with subsection 71.1(3)(a) of the Act is sufficient to lead to dismissal of the Landlord's application.

10. I find that it, is for the reasons that follow. At the very least, the Landlord has caused confusion about the number of N12 or N13 notices of termination that he has served in the last two years. His failure to correct his mistake, even in the amended application, leads to suspicion about whether or not the Landlord's application is in good faith.
11. The Landlord's response, when asked about disclosure of the prior N13 notices of termination, and also when asked about why he said he had already obtained permits when he had not, was not convincing. He said he was confused, stressed, he did not know what to do. He was also asked why he had failed to attend the hearing for LTB-L-041402-25, and he gave a similar answer. Surely on July 18, 2025, when he filed this application, a mere two months after he filed LTB-L-041402-25, he knew that he had served at least one prior N13 notice of termination, and in fact, he had served at least three by that point. It is still unclear how many N13 notices of termination have been served in the last two years, and the Landlord's latest amendment does not clarify that point. Surely, in his amendment, he had the opportunity to clear up any inconsistencies and confusion, and he failed to do so. The Landlord also failed to give any credible answer for why he said that he had obtained permits in his amended application, when one of his urgent reasons for wanting to evict the Tenant is that he requires the utilities to be disconnected and the building vacant in order to get the permit he is seeking, and the Tenant refuses to leave. That leads to a suspicion of deliberate falsehood on the application.
12. I believe that the aggregate of all the above casts doubt on the good faith of the Landlord's application. The Landlord's response when queried about his failure to comply with the requirements of subsection 71.1(3)(a) of the Act fails to counteract any of the doubt. Subsection 71.1(4) of the Act provides that the Board shall refuse to accept the application for filing if the Landlord has failed to comply with subsection (3). The Landlord had the opportunity to correct everything in his amended application, but he only caused further confusion and inconsistency. The Landlord failed to provide a reasonable explanation for failing to comply with subsection (3). This makes the application void *ab initio*.
13. Consequently, the Landlord's application will be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 23, 2026

Date Issued

Nancy Morris

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.