



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Katzartchev v Mag Aso, 2026 ONLTB 8105

Date: 2026-01-22

File Number: LTB-L-008282-24-RV

In the matter of: Unit 1 (Basement), 489A WHITMORE AVE
YORK ON M6E2N9

Between: Connie Katzartchev Landlord
Kiril Katzartchev

And

Michele Mag Aso Tenant

Review Order

Connie Katzartchev (CK) and Kiril Katzartchev (KK) (the 'Landlords') applied for an order to terminate the tenancy and evict Michele Mag Aso (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.

The Landlords also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-008282-24 issued on January 19, 2026.

On January 21, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.
2. The review request submits that the Member did not meaningfully analyze the Landlords' intention at the time the N12 notice of termination was given and that the Member failed to consider the absence of any communicated or documented intention prior to the service of the N12 notice.
3. The Landlord KK testified that the Landlords purchased the property in November 2023 with the intention of moving into it and using it as a single family dwelling. That was sufficient evidence of the Landlords' intention prior to the service of the N12. It was not

necessary for the Landlords to also adduce evidence that they communicated this intention prior to the service of the notice or documented this intention in any way. There is no provision in the *Residential Tenancies Act, 2006* (the 'Act') that requires the Board to consider whether a landlord has communicated their intention prior to the service of any notice of termination. There is also no caselaw that states that the Board must consider this.

4. The review request appears to assert that it was necessary for the Landlords to give documentary evidence to corroborate KK's oral testimony that the Landlords intended to occupy the rental unit since the time they bought the house. It was not. KK's testimony about the Landlords' intention was not contradicted by any evidence in the hearing so that testimony was sufficient. There was no need for the Member to analyze the evidence of the Landlords' intention any further.
5. The review request submits that the Member failed to properly analyze the evidence that, prior to the service of the N12 notice, the Landlords had asked the Tenant to sign an agreement to terminate the tenancy and at that time they had not stated their intention to occupy the unit. The order analyzes this evidence at paragraph 13. The analysis is reasonable.
6. The review request submits that the Member gave disproportionate weight to the fact that the Landlords previously gave an N12 notice to DD and then proceeded to occupy DD's unit as set out in the notice. The Member considered KK's testimony that the Landlords intent to occupy the unit and how they intend to use the unit. The Member then noted that DD's testimony supports the Landlord's application. There was nothing improper about this statement.

It is ordered that:

1. The request to review order LTB-L-008282-24 issued on January 19, 2026 is denied. The order is confirmed and remains unchanged.

January 22, 2026
Date Issued

Renée Lang
Vice Chair, 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.