



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-108835-25

In the matter of: Unit 1, 441 COUNTY RD 34 West
Kingsville ON N8M2X5

Between: Ashley Thompson Landlord

And

David Santos Tenant

Ashley Thompson (the 'Landlord') applied for an order to terminate the tenancy and evict David Santos (the 'Tenant') because:

- the Landlord requires vacant possession of the rental unit in order to do major repairs or renovations to 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 January 27, 2026.

Only the Landlord's Legal Representative attended the hearing.

As of 9:15 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Alex Saad attended as a witness for the Landlord; his testimony was not required.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy in the application. Therefore, the tenancy is terminated as set out below.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on January 21, 2026; this is the date the Landlord received vacant possession of the rental unit.

4. On July 31, 2025, the Landlord gave the Tenant an N13 notice of termination with the termination date of November 30, 2025. The Landlord claims vacant possession of the rental unit is required for extensive repairs.
5. The Landlord's Legal Representative submitted that the Tenant was arrested on November 30, 2025; as he had intended on moving out, the Tenant made arrangements with his former spouse to empty the unit. The unit was fully emptied on January 21, 2026, which is when the Landlord received vacant possession. The Tenant advised, via his outreach worker, that he is exercising his right of first refusal. No rent was paid December 2025 to January 21, 2026; there is no last month rent deposit. The building permits were received January 27, 2026 (line #7230188). The septic system permit application has been submitted (line #7230141); this permit is secondary to the building permits. The Tenant was originally given the original compensation cheque prior to the termination date, when the Landlord discovered the Tenant had not received it because of being arrested, the parties agreed the Landlord would cancel the original cheque and e-transfer the money to the Tenant; \$721.13, the monthly rent amount, was e-transferred to the Tenant on December 4, 2025 (line #7191150).
6. Based on the uncontested evidence and testimony before me, I find that the Landlord in good faith intends to do repairs or renovations that are so extensive that they require a building permit and vacant possession of the rental unit. I am satisfied that the Landlord has obtained the necessary permits for this work.
7. The Tenant has the right to move back into the rental unit when the repairs or renovations are completed at a rent that is no more than what the Landlord could have lawfully charged if there had been no interruption in the tenancy. The Tenant must give the Landlord notice in writing of the Tenant's intent to move back into the unit before vacating the rental unit. The Tenant must inform the Landlord in writing of any change in address.
8. The Landlord paid the Tenant the required compensation on December 4, 2025; this payment replaced the original cheque sent prior to the termination date in the N13 notice.
9. There is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of January 21, 2026.

February 4, 2026

Date Issued

Diane Wade

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.

