



Order under Section 57 Residential Tenancies Act, 2006

Citation: Gagnon v Niagara Regional Housing, 2026 ONLTB 10459

Date: 2026-01-30

File Number: LTB-T-036800-25

In the matter of: Unit 202, 3874 Portage Rd.
Niagara Falls ON L2J4C9

Between: Michael Gerard Gagnon
Alexandra Harris
Tenants

And

Niagara Regional Housing
Landlord

Michael Gerard Gagnon and Alexandra Harris (the 'Tenants') applied for an order determining that Niagara Regional Housing (the 'Landlord') was required to allow the Tenant to move back into the unit under section 53 of the *Residential Tenancies Act, 2006* (the "Act") and failed to do so.

This application was heard by videoconference on January 28, 2026.

The Tenant, Michael Gagnon, the Landlord's Legal Representatives, Shelby Whittick and Kiri Dhadda, and the Landlord's Agent, Dina Del Grande attended the hearing.

Preliminary Issue:

1. This is a T5 application whereby the Tenant alleged that the Landlord served an N13 notice of termination in bad faith.
2. The Landlord's Legal Representative, Kirti Dhadda brought up a preliminary issue that the Tenant was not given an N13 Notice of Termination by the Landlord and as such, this application should be dismissed.
3. Ms. Dhadda submitted that the Tenant was an employee of the Landlord and that his position was terminated by the Landlord. She further stated that this matter does not comply with section 57(1) of the *Residential Tenancies Act, 2006* (hereinafter referred to as the "Act") whereby a tenant is able to bring an application against a landlord if they feel that an N12 or N13 notice was given in bad faith.

4. The Tenant responded that he was a Tenant of the building and that the Act applied because he claimed that he was illegally locked out of that unit. He agreed that he was not given an N12 or N13 notice by the Landlord.
5. It is notable that in the application itself, the Tenant stated that “the Landlord did not actually provide any forms. I was given a letter of dismissal and I was working as a building attendant.”
6. As this application does not comply with section 57(1) of the Act and no N13 notice was given to the Tenant, this application is not properly before me and must be dismissed.

It is ordered that:

1. The Tenant’s application is dismissed.

January 30, 2026

Date Issued

Carrie Bertrand

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.