



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-083525-25

In the matter of: 536 FIELDEN AVE
PORT COLBORNE ON L3K4V1

Between: Kim Olm
Edward McPhee Landlord

And

Lizette Bowman
Dale Bowman Tenant

Kim Olm and Edward McPhee (the 'Landlord') applied for an order to terminate the tenancy and evict Lizette Bowman and Dale Bowman (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.

This application was heard by videoconference on January 14, 2026.

The Landlord, the Tenant's support person, Cassandra Fairchild, and the Tenant attended the hearing.

Determinations:

Preliminary Issues

1. The Tenants' Support person, Cassandra Fairchild, took the position that the Landlord has not paid the Tenant compensation in the amount of one month's rent that is required by section 48.1 of the *Residential Tenancies Act, 2006* (the 'Act').
2. The Landlord took the position that the one month rent compensation was paid to the Tenant. The Landlord, Edward McPhee, testified that he refused to accept August 2025's rent as payment for the compensation. However, he also acknowledged that the termination date on the notice of termination is July 31, 2025, and the Tenant provided August 2025's rent payment at a later date.
3. The Tenants support person provided oral testimony and documentation evidence to show that although the Landlord claims they gave the compensation on August 1, 2025, but the

notice that forms the basis of this application was not served until September 30, 2025. The Landlord served a previous N12 notice on May 25, 2025, with a termination date of July 31, 2025. The Landlord filed an application with the LTB based on that previous application and that file was closed. Then the Landlord served a 2nd N12 on September 30, 2025, with a termination date of November 30, 2025. There was no conversation between the Landlord and the Tenant about waiving any rent payments as compensation.

4. In general, in accordance with sections 48.1 and 55.1 of the Act, a landlord who serves a notice of termination under section 48 of the Act for personal use must pay the tenant an amount equal to one month's rent by the termination date in the notice.
5. Ultimately, I find that the Landlord has not compensated the Tenant an amount equal to one month's rent and the termination date has passed. Even if I accept the Landlord's evidence, I find that the Landlord did not offer to waive rent until after the termination date and in any event, the Tenant paid the Landlord that rent. As a result, the Landlord's application must be dismissed because the Landlord failed to comply with sections 48.1 and 55.1 of the Act.
6. Furthermore, the Act states pursuant to section 83(4)

The Board shall not issue an eviction order in a proceeding regarding termination of a tenancy for the purposes of residential occupation, demolition, conversion to non-residential rental use, renovations or repairs until the landlord has complied with section 48.1

It is ordered that:

1. The Landlord's application is dismissed.

February 17, 2026
Date Issued

Samantha Greaves
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.