Order under Section 69
Residential Tenancies Act, 2006

Citation: Tallapureddy v Verkoeyen, 2026 ONLTB 13800
Date: 2026-02-12
File Number: LTB-L-039207-25-RV2

In the matter of: EXCLUDING BASEMENT,
1241 VIRGINIA AVE
WINDSOR ON N8S2Z1

Between: Bhaskarareddy Tallapureddy — Landlord

And

Vanessa Verkoeyen — Tenant

Bhaskarareddy Tallapureddy (the 'Landlord') applied for an order to terminate the tenancy and evict Vanessa Verkoeyen (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 resolved by order LTB-L-039207-25 issued on October 2, 2025.

On November 2, 2025, the Landlord requested a review of the order.

On November 4, 2025, interim order LTB-L-039207-25-IN was issued.

The review request was resolved by order LTB-L-039207-25-RV issued on December 4, 2025. The application was scheduled to be reheard.

This application was heard by videoconference on January 8, 2026.

The Landlord, the Landlord's Legal Representative, Hagar Ehab Eldin Ahmed Elsayed, the Tenant, and the Tenant's Legal Representative, Christopher Hall, attended the hearing.

Determinations:

Preliminary Issues

Previous N12 notice of termination not disclosed

1. At the commencement of the hearing, the Tenant's representative raised a preliminary issue concerning the Landlord's failure to disclose previous N12 notices of termination that had been given to the Tenant. He argued that, as a result of this nondisclosure, the Board does not have jurisdiction to hear the application.

2. The Landlord's L2 application filed with the Board indicates in the declaration section that the Landlord has not given the Tenant any other N12 or N13 notices of termination in the past two years for the rental unit or any other rental unit.

3. The Tenant's representative submitted as evidence[1] the previous N12 notices of termination that had been given to the Tenant, as well as an additional N12 notice of termination issued after the application was filed.

4. The first N12 notice of termination is dated July 6, 2023, with a termination date of April 30, 2024. The second N12 notice of termination ('N12 Notice') is signed on January 12, 2025, with a termination date of April 30, 2025, and was filed with the L2 application. The third N12 notice of termination is signed on September 30, 2025, with a termination date of November 30, 2025. I note that this third N12 notice of termination was provided to the Tenant after the L2 application had already been filed.

5. The Landlord's representative acknowledged that the Landlord had served a previous N12 notice of termination as well as the N12 Notice filed with the application. She also admitted that a third N12 notice of termination was given to the Tenant after the application was filed. She submitted that because an application had not been filed with the LTB for the first N12 notice of termination, she did not believe it was required to be disclosed on the L2 application.

6. In looking at the purpose and intent of the requirement to disclose previous notices under subsection 71.1(3) of the *Residential Tenancies Act, 2006* (the 'Act'), it is to ensure, among other things, that tenants are aware whether a landlord has served N12 or N13 notices on other tenants. This gives tenants an opportunity to use that information in preparation for their hearing. For example, a tenant may wish to contact one of the tenants that was served with an N12 or N13 notice of termination and ask them to be a witness in their case.

7. In this case, the undisclosed notice was an N12 Notice of Termination given to the Tenant on or about June 24, 2023. The Tenant was aware of this earlier N12 Notice and therefore had the opportunity to fully prepare for the hearing. I am not satisfied that this omission, on its own, is a sufficient basis to dismiss the Landlord's application.

Declaration of the Landlord

8. The Landlord's declaration[2] signed on May 13, 2025 declares:

> *I am the landlord and owner of the property located at 1241 Virginia Avenue, Windsor, ON N8S 2Z1. This is a legal two-unit house. I currently reside in the lower-level (basement one-bedroom unit), and the main level three-bedroom unit has been rented to Vanessa Verkoeyen since June 15, 2021.The original lease was for one year and became month-to-month after that. Due to my family needs and medical condition, I gave the tenant written notice in July 2023 to end the tenancy by April 30, 2024. The tenant requested a one-year extension, which I granted after consulting my family. I clearly stated the final extended tenancy would end on April 30, 2025.In January 2025, I served the tenant with an N12 Notice to end tenancy on April 30, 2025, to allow me to move into the upper unit for personal use. I require this space to*

[1] Tenant's Evidence – DOC-7067326 – Pages 37 to 42
[2] Landlord's declaration – DOC-5611717

accommodate my wife (now staying full-time due to health issues) and two adult children, who need their own bedrooms when visiting. The basement unit is not suitable for the tenant, as it lacks proper heating/cooling and is not appropriate for a family. As required by law, I have paid the tenant compensation equal to one month's rent. I respectfully request that the Board issue an order terminating the tenancy so I can take possession of the upper unit for personal use.

9. Section 72 (1) of the Act states:

> **72** (1) The Board shall not make an order terminating a tenancy and evicting the tenant in an application under section 69 based on,
>
> (a) a notice of termination given under section 48 on or after the day section 13 of the *Rental Fairness Act, 2017* comes into force, unless the landlord has filed with the Board an affidavit sworn by the person who personally requires the rental unit certifying that the person in good faith requires the rental unit for his or her own personal use for a period of at least one year; [Emphasis added]

10. Based on the declaration filed by the Landlord, I am not satisfied that it meets the mandatory requirements set out in section 72(1)(a) of the Act. I therefore find that the declaration is insufficient to allow the application to proceed.

11. Further, on January 2, 2026, the Landlord filed a second declaration signed by Nikhil Tallapureddy, who claims to be the owner of the rental unit. In this declaration, the declarant states that he holds a 98% interest in the property, while the Landlord holds only 1%. This directly contradicts the Landlord's own declaration, in which he asserts that he is the owner of the rental unit. I also note that the declarant, Nikhil Tallapureddy, did not attend the hearing.

12. Based on the declarations filed with the Board, together with the Landlord's failure to disclose the previous N12 Notice of Termination and a third N12 Notice issued to the Tenant after the application was filed, I am not satisfied that the hearing on the merits of the application can proceed. I find that the Landlord's declaration does not meet the requirements of section 72(1)(a) of the Act, and that the declaration submitted by Nikhil Tallapureddy is misleading.

13. As such, the Landlord's application shall be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

February 12, 2026
Date Issued

_____
Susan Priest
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.