



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-095074-25

In the matter of: 313, 1450 GLEN ABBEY GATE
OAKVILLE ON L6M2V7

Between: Abhimanyuu Ahuja Landlord
Bhawna Mohan

And

Hicham Layti Tenant
Sara Bachiri

Abhimanyuu Ahuja and Bhawna Mohan (the 'Landlord') applied for an order to terminate the tenancy and evict Hicham Layti and Sara Bachiri (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 February 5, 2026.

The Landlord's legal representative, Ajitinder Grewal, the Landlords, and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has not satisfied the requirements contained in the *Residential Tenancies Act, 2006* (Act) for termination of the tenancy for major repairs or renovations. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.

Background

3. By way of background this is a month-to-month tenancy in which rent is due on the first day of the month. The Tenant moved into the rental unit on September 1, 2024. The current

monthly rent is \$2,970.00 and it payable on the 1st of the month. The residential complex is in a multi-unit residential complex.

N13 Notice of Termination

4. On November 10, 2025, the Landlord gave the Tenant an N13 notice of termination with the termination date of March 31, 2026, deemed served on November 15, 2026. The Landlord claims vacant possession of the rental unit is required for extensive repairs.
5. The N13 outlines that the condominium corporation has ordered that extensive repairs and renovations be undertaken. The scope of the work disclosed by the condominium board includes the following: mobilization, surveying and shoring, removal, and replacement of the slab on grade in the main bedroom, closet and bathroom, replacement of the load bearing wall, electrical and plumbing repairs, and reinstatement of interior finishes. These repairs and renovations extend to the very foundation of the rental unit. It is anticipated that the duration of the repairs will take 8 to 10 weeks.

Landlords' Position

6. The Landlords submit that they have always acted with the safety and well-being of the Tenants as their foremost priority. The sagging floor condition and progressive slab-on-grade settlement were taken seriously, and the Landlords consistently relied on the Condominium Corporation and qualified engineering professionals to ensure the issue was properly addressed.
7. The Landlords submit that they were transparent with the Tenants regarding information received from the Condominium Board, proactively contacted the Tenants and their insurance provider to determine whether any coverage was available, and communicated the Tenants' concerns to the Condominium Board, including the request to schedule repairs during the children's summer break.
8. As confirmed by WSP Canada Inc., the Condominium Corporation has now awarded the contract for the required slab-on-grade settlement repair. The Landlords rely on WSP's Start-Up Documentation Checklist, which outlines the scope of the remedial work and extensive pre-construction requirements, including engineered shoring designs, safety personnel, WSIB clearance, insurance documentation, and concrete specifications, demonstrating the seriousness and professional oversight of the project.
9. The Landlord's legal representative submitted that on February 3, 2026, he received email communication from the Condo manager Asid Khan who wrote "with building permits, once it is applied for and issued, there is a time frame with which the project must be started or the Building Permit get revoked, and a new permit must be applied for. Given the uncertainty surrounding a start date for this project, the Contractor will not be initiating the Building Permit application until they are certain access to the unit will be granted and a firm start date can be established. In regard to this project, a Building Permit application will not be initiated until the matter of access to the unit is resolved."

Tenant's Position

10. The Tenant submits that the Landlords provided inconsistent and changing reasons for eviction. In February 2025, it was the floor replacement and in November 2025 it was extensive repairs. The Tenant submits that this inconsistency raises credibility concerns.
11. The Tenant further submits that proper legal procedure was not followed, despite the Tenant expressly requesting an N13 on February 16, 2025. The Landlords ignored this request for several months. The Landlords renewed the lease on July 25, 2025, which contradicts any claim of urgent or extensive renovations and the request to vacate came only four months after the tenancy began, creating significant instability.

The Law

12. The N13 notice was served by the Landlord pursuant to subsection 50(1)(c) of the Act, which allows a landlord to give a notice of termination if the landlord requires possession of the rental unit in order to “do repairs or renovations to it that are so extensive that they require a building permit and vacant possession of the rental unit.”
13. In addition, in accordance with subsection 73(1) of the Act, before seeking eviction at the Board, the Landlord must already have the permits necessary to complete the repairs or renovations. The only exception to that requirement is if the landlord has taken all reasonable steps to obtain all necessary permits but it is not possible to obtain the permits until the rental unit is vacant:

73 (1) The Board shall not make an order terminating a tenancy and evicting the tenant in an application under section 69 based on a notice of termination under section 50 unless it is satisfied that,

(a) the landlord intends in good faith to carry out the activity on which the notice of termination was based; and

(b) the landlord has,

(i) obtained all necessary permits or other authority that may be required to carry out the activity on which the notice of termination was based, or

(ii) has taken all reasonable steps to obtain all necessary permits or other authority that may be required to carry out the activity on which the notice of termination was based if it is not possible to obtain the permits or other authority until the rental unit is vacant.

[emphasis added]

14. In this case, Landlord’s evidence establishes that permits are require for the repairs to the rental unit, but that contractor hired by the Condo corporation has chosen not to apply for the permits yet because they are uncertain as to when the work will commence.
15. The Act is explicit: if necessary, permits or other authority have not been obtained, the Board “shall not” make an eviction order. The Landlords’ failure on this point alone is fatal to the application. The evidence does not establish that that Landlord has taken all reasonable steps to obtain the permits, but that the permits will not be issued by the municipality for this work until the Tenant has vacated from the rental unit. The contractor’s decision to defer applying for the permits until after the Tenant vacates does not trump the

clear direction in the Act that the permits must be obtained before the eviction can be granted.

16. Therefore, I find that the Landlord has failed to obtain, or to take any reasonable steps to obtain the proper permits or other authority in respect of the N13 Notice prior to the hearing. On that basis, I am not satisfied on the balance of probabilities that the Landlord has complied with section 73 of the Act and obtained the appropriate permit in accordance with the N13 Notice. As a result, the Board does not have the authority to terminate the tenancy.

It is ordered that:

1. The Landlord's L2 application is dismissed.

February 17, 2026

Date Issued

Teresa Hunt

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.