



Order under Section 69 Residential Tenancies Act, 2006

Citation: The Estate of Rodney Madden v Tucker, 2026 ONLTB 16643

Date: 2026-02-24

File Number: LTB-L-096983-25

In the matter of: 2, 402 AMBROSE ST
THUNDER BAY ON P7B1M4

Between: Alexa Nesbitt Landlord

And

Preston Tucker Tenant

The Estate of Rodney Madden (the 'Former Landlord') and Alexa Nesbitt (the 'Landlord') applied for an order to terminate the tenancy and evict Preston Tucker (the 'Tenant') because the Landlord entered into an agreement of purchase and sale of the rental unit and the purchaser in good faith required possession of the rental unit for the purpose of residential occupation.

This application was heard by videoconference on February 19, 2026.

Only the Landlord Alexa Nesbitt attended the hearing.

As of 10:00 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.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy.
2. The Tenant was in possession of the rental unit on the date the application was filed.

N12 Notice of Termination

3. On October 31, 2025, the Former Landlord gave the Tenant an N12 notice of termination with the termination date of December 31, 2025. The notice was given on behalf of the Purchaser A.N. who claimed that she required vacant possession of the rental unit for the purpose of residential occupation.
4. A.N. bought the property on January 14, 2026 and became the Landlord.
5. The Landlord A.N. provided a declaration as required by subsection 71.1(1) of the *Residential Tenancies Act, 2006*.

6. The Landlord has compensated the Tenant an amount equal to one month's rent by December 31, 2025.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from eviction

8. The Tenant was not present to speak to their personal circumstances. The Landlord believes that the Tenant has vacated the rental unit, explaining that the Tenant had informed her in January 2026 that he had purchased his own residential property.
9. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before March 7, 2026.
2. If the unit is not vacated on or before March 7, 2026, then starting March 8, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after March 8, 2026.
4. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before March 7, 2026, the Tenant will start to owe interest. This will be simple interest calculated from March 8, 2026 at 4.00% annually on the balance outstanding.

February 24, 2026
Date Issued

Elle Venhola
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on September 8, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.