



Order under Section 69 Residential Tenancies Act, 2006

Citation: BARR v CARROLL, 2026 ONLTB 17235

Date: 2026-03-02

File Number: LTB-L-092142-25

In the matter of: 3810 DAVIDSON RD
INVERARY ON K0H1X0

Between: ESTRA BARR Landlord
RON MAHON EQUIPMENT LTD

And

THERESA CARROLL Tenant

ESTRA BARR and RON MAHON EQUIPMENT LTD (the 'Landlord') applied for an order to terminate the tenancy and evict THERESA CARROLL (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;
- the Landlord requires vacant possession of the rental unit in order to do major repairs or renovations to the unit.

This application was heard by videoconference on February 2, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy and/or the claim for compensation in the application. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On October 30, 2025, the Landlord gave the Tenant an N12 notice of termination with the termination date of February 28, 2026. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation for their child.
4. On October 30, 2025, the Landlord gave the Tenant an N13 notice of termination with the termination date of February 28, 2026. The Landlord claims that they will be doing a full interior renovation that is so substantial that the rental unit has to be vacant.

5. Regarding the N12 notice in this application, I brought up section 48(5) of the *Residential Tenancies Act*, 2006 (hereinafter referred to as the "Act") which states: "This section does not authorize a landlord to give a notice of termination of a tenancy with respect to a rental unit unless, a) the rental unit is owned in whole or in part by an individual, and b) the landlord is an individual."
6. The Landlord did confirm that the Landlord is Ron Mahon Equipment Ltd. which is a corporate entity. The Landlord did not provide any submissions in response.
7. It is uncontested that neither element of 48(5) was met in this case. As such, I am not satisfied on a balance of probabilities that the rental unit is owned in whole or in part by an individual as required by section 48(5). As such, the application will be dismissed.
8. Regarding the N13 notice in this application, I noted that the details of the work on the notice included "completely gut the interior of the home, repair beams and reconstruct." I requested that the Landlord provide me with a copy of the building permit for the renovation.
9. The Landlord responded that they did not have a building permit from the municipality as the permits are very expensive to apply for.
10. The N13 notice served pursuant to subsection 50(1)(c) 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."
11. The section of the Act is clear that a landlord's application may not succeed if a building permit is not required to do the repairs or renovations. Thus, the Board may not terminate a tenancy where permits are unnecessary.
12. In the event that building permits are in fact required, which I strongly believe they are in this case, subsection 73(1)(b) of the Act states that the Board shall not terminate a tenancy unless (i) "the landlord has obtained in advance 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) the landlord 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."
13. I find that the Landlord has failed to obtain, or to take any reasonable steps to obtain the proper permits in respect of the N13 Notice prior to the hearing. As a result, the Board does not have the authority to terminate the tenancy. As a result, the Landlord's application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

March 2, 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.