



Order under Section 57 Residential Tenancies Act, 2006

File Number: LTB-T-041018-25

In the matter of: 3093 OLYMPIC WAY
GLOUCESTER ON K1T1Y7

Between: Jazmyn Levesque-Swaffield Tenant

And

Abdurhman Aduli Landlord

Jazmyn Levesque-Swaffield (the 'Tenant') applied for an order determining that Abdurhman Aduli (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on February 12, 2026.

Only the Tenant attended the hearing.

As of 9:50 a.m., the Landlord 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 Tenant's evidence.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. Subsection 57(1)(a) of the *Residential Tenancies Act, 2006* (the 'Act') requires the Tenant to prove each of the following on a balance of probabilities:
 - The Landlord gave the Tenant an N12 notice of termination under section 48 of the Act;
 - The Tenant vacated the rental unit as a result of the N12 notice of termination;
 - No person referred to in subsection 48(1) of the Act occupied the rental unit within a reasonable time after the Tenant vacated; and
 - The Landlord served the N12 notice of termination in bad faith.
3. The Landlord gave the Tenant a N12 notice of termination (N12 notice) on September 2, 2023, with a termination date of November 30, 2023.

4. The N12 notice indicated that the Landlord required vacant possession of the rental unit for their child's occupancy for a period of at least one year.
5. The Tenant vacated the rental unit on June 30, 2024 as a result of receiving the N12 notice.
6. The Tenant testified that she believed the Landlord's child did not occupy the rental unit, stating that she rode past the unit several times after vacating and observed that there were no curtains or visible signs of occupancy.
7. The Tenant submitted video footage showing the absence of curtains on the windows, but the footage does not show the interior of the rental unit, nor did the Tenant provide photographs or other evidence confirming that the unit was unoccupied.
8. The Tenant also testified that she searched for rental listings but did not find any for the unit.
9. I find that the Tenant has not established, on a balance of probabilities, that the Landlord served the N12 Notice in bad faith. While the Tenant's observations raise questions about visible signs of occupancy, the evidence is limited to external appearances and speculation. The absence of curtains or visible activity outside the unit is insufficient to prove that the Landlord's child does not occupy the unit. There is no evidence contradicting the Landlord's stated purpose in the N12 Notice, and the Board cannot infer bad faith from the circumstantial evidence provided. Consequently, the N12 Notice is presumed valid, and the claim of bad faith is not substantiated.
10. For the reasons outlined above, the Tenant has not met the requirement under subsection 57(1)(a), which requires proof that the Landlord served the N12 notice in bad faith. As this requirement has not been established on a balance of probabilities, the application must be dismissed.

It is ordered that:

1. The Tenant's T5 application is dismissed. The Board's file is closed.

February 26, 2026
Date Issued

Christina Philp
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.