



Order under Section 69 Residential Tenancies Act, 2006

Citation: Song v Delaire, 2026 ONLTB 18744

Date: 2026-03-03

File Number: LTB-L-078184-25

In the matter of: Basement, 13 Kent Street
Ajax ON L1S1X3

Between: Fie Young Song Landlord

And

Leo Delaire Tenants
Sam Delaire

Fie Young Song (the 'Landlord') applied for an order to terminate the tenancy and evict Leo Delaire and Sam Delaire (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant; the number of persons living in the unit on a continuing basis is more than permitted by health, safety or housing standards (N5 notice).
- the Tenants or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex involving the production of an illegal drug, the trafficking in an illegal drug or the possession of an illegal drug for the purposes of trafficking; the Tenants or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex. (N6 Notice).
- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year. (N12 Notice).

This application was heard by videoconference on February 26, 2026. The Landlord and the Tenants attended the hearing.

Determinations:

1. As explained below, the Landlord's application is dismissed.

2. The Landlord's application was filed on September 4, 2025 and is based on a N5, N6 and N12 notice of termination served to the Tenants.
3. At the hearing, the Landlord withdrew the N5 and N6 portion of the application. Therefore, the Board will only consider the contents of the N12 notice of termination.
4. The N12 notice was served to the Tenants on August 29, 2025 with a termination date of October 31, 2025. The notice asserts that the Landlord requires possession of the rental unit for their own personal use. The Landlord's notice is served pursuant to section 48 of the Act.
5. Section 48.1 of the Act states that, "a landlord shall compensate a tenant in the amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant if the landlord gives the tenant a notice of termination of the tenancy under section 48".
6. Section 55.1 of the Act requires that compensation under section 48.1 be paid to the tenant no later than on the termination date specified in the notice of termination.
7. Section 83(4) of the Act provides that the Board shall not issue an eviction order if the landlord has not complied with the compensation requirement in section 48.1.
8. At the hearing the Landlord confirmed that compensation was not paid to the Tenants prior to October 31, 2025 (the termination date set out in the notice). Rather, the required compensation was paid on February 13, 2026. The Tenants confirmed however that this payment was not deposited as of the hearing date.
9. The Landlord provided no explanation at the hearing as to why the compensation was not paid prior to October 31, 2025.
10. I find that the Landlord has not satisfied a statutory requirement for this application and as such, the application must therefore be dismissed. Although compensation was subsequently paid, the Landlord provided no explanation for the delay and as such, I do not find it appropriate to grant an extension of this payment deadline.

It is ordered that:

1. The Landlord's application is dismissed.
2. Pursuant to section 73.1 of the Act, the Tenants shall pay back to the Landlord the required compensation paid pursuant to section 48.1 if the payment has been deposited.
3. If the Tenants do not pay the Landlords the full amount owing by March 15, 2026 they will owe interest. This will be simple interest calculated from March 16, 2026 at 4.00% on the outstanding balance.

March 3, 2026
Date Issued

Fabio Quattrociocchi
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.