



Order under Section 69 Residential Tenancies Act, 2006

Citation: Taylor v Robertson, 2026 ONLTB 18194

Date: 2026-03-02

File Number: LTB-L-092122-25

In the matter of: 81 NORN CRES
MARKHAM ON L3S2A3

Between: Ivalyn Taylor Landlord

And

Aileen Robertson Tenant

Ivalyn Taylor (the 'Landlord') applied for an order to terminate the tenancy and evict Aileen Robertson (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.

This application was heard by videoconference on January 29, 2026.

The Landlord, the Landlord's grandson Philip Brown, the Landlord's support person Lesa Maitland, the Tenant and the Tenant's Legal Representative Joey Kay attended the hearing.

Determinations:

Preliminary Issue – Validity of N12 Notice

1. At the commencement of the hearing the Tenant raised a preliminary issue regarding the validity of the Landlord's N12 Notice of Termination on the following grounds:
 - a) The proposed occupant Philip Brown is the Landlord's grandson and is ineligible pursuant to section 48 of the Act;
 - b) The N12 Notice of Termination lacks a rental unit;
 - c) The Landlord's application incorrectly states that no other N12 or N13 notices were given in the past two years on this or any other rental unit; and
 - d) The Affidavit of service regarding the N12 notice is sworn by the incorrect person.

2. The Landlord's Notice of Termination indicates that their child intends to move into the rental unit and occupy it for a period of at least one year.
3. The declaration filed in support of the Landlord's application indicates that Philip Brown intends to occupy the rental unit. At the hearing Philip Brown confirmed that he is the grandson of the Landlord not their child.
4. Section 48(1) permits the Landlord by notice to terminate a tenancy if the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for a period of a least one year by,
 - a) The landlord;
 - b) The landlord's spouse;
 - c) A child or parent of the landlord or landlord's spouse; or
 - d) A person who provides or will provide care services to the landlord, the landlord's spouse, or a child or parent of the landlord or the landlord's spouse...
5. Section 48 does not permit the Landlord to give notice to terminate a tenancy for the purpose of residential occupation by a grandchild.
6. The notice of termination fails to comply with section 48 and is invalid. The Landlord's application is dismissed.
7. As the Landlord's application is dismissed on the first preliminary ground raised by the Tenant it is unnecessary to consider the remaining grounds.

It is ordered that:

1. The Landlord's application is dismissed.

March 9, 2026
Date Issued

Sean Ramage
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.