



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-092605-25

In the matter of: 1477 Danforth Road
Scarborough ON M1J1H5

Between: Tulsi Ram Upadhyay Landlord

And

DONALD LEE Tenant
HYACINTH LEE

Tulsi Ram Upadhyay (the 'Landlord') applied for an order to terminate the tenancy and evict DONALD LEE and HYACINTH LEE (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 15, 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. Therefore, the application is dismissed.
2. The Landlord has not compensated the Tenant an amount equal to one month's rent and the termination date has passed. As a result, the Landlord's application must be dismissed. The Landlord led no evidence that he compensated the Tenant as required by the *Residential Tenancies Act, 2006* (the 'Act'). His only evidence was that the vendor's application LTB-L-053617-25 was dismissed and that the vendor may have compensated the Tenant, which compensation may not have been returned. The Landlord has therefore not complied with their obligations under the Act to compensate the Tenant. The Landlord had no explanation for his failure to comply with the Act other than that he received bad advice from his realtor.
3. The Landlord's N12 notice is also defective. It does not identify the rental unit contrary to s. 43(1)(a) of the Act. It was undisputed that the residential complex contains two rental units and that the Tenant only occupies one unit, being the upper level.

It is ordered that:

1. The Landlord's application is dismissed.

March 4, 2026

Date Issued

Vladimir Nikitin

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.