



Order under Section 69 / 89 Residential Tenancies Act, 2006

Citation: Post v Baker, 2026 ONLTB 19160

Date: 2026-03-06

File Number: LTB-L-077169-25

In the matter of: Lower, 90 WILSON ST
KINGSTON ON K7K4Z8

Between: Margaret Post Landlord
Garth Post

And

Shawn Baker Tenant

Margaret Post and Garth Post (the 'Landlord') applied for an order to terminate the tenancy and evict Shawn Baker (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 also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on January 8, 2026.

The Landlords, the Landlords' legal representative Nadine Little, the Tenant, and the Tenant's legal representative William Florence attended the hearing. Pamela Post attended the hearing as a witness for the Landlords.

Determinations:

1. At the beginning of the hearing, the Landlords' legal representative informed the Board that the Landlords would only be proceeding with respect to their application to terminate the Tenant's tenancy based on the N12 Notice. The Landlords' application refers to an N5 notice and a claim for compensation under section 89 of the Act. The Landlords' representative informed the Board that no evidence would be presented with respect to the allegations in the N5 Notice and that the Landlords' claim for compensation under section 89 is withdrawn.

2. 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.
3. The Tenant was in possession of the rental unit on the date the application was filed.
4. On July 25, 2025, the Landlords gave the Tenant an N12 notice of termination (the 'N12 Notice') with the termination date of September 30, 2025. The Landlords claim that they require vacant possession of the rental unit for the purpose of residential occupation by their daughter, Pamela Post.
5. The Tenant's legal representative raised a series of preliminary issues at the hearing. I heard submissions from the parties on the following issues:
 - Whether the fact that the intended occupant of the rental unit – Pamela Post – only filed an affidavit one week after the Landlord's application is filed (contrary to the plain language of section 71.1) invalidates the Landlord's application.
 - Whether the rental unit was not properly identified on the N12 Notice, invalidating the notice.
 - Whether an e-transfer that does not refer to the N12 Notice or the Landlords' need for the unit constitutes valid compensation as required under section 48.1 of the Act.
6. After hearing submissions on these preliminary issues, I continued to hear the evidence of the merits of the application and informed the parties that I would determine these issues in writing. However, for the reasons discussed below, I am satisfied on a balance of probabilities that the Landlords issued the N12 Notice in bad faith and am therefore dismissing the Landlords' application on that basis. As such, no determinations with respect to the preliminary issues raised by the Tenant's representative are necessary to decide this application.
7. The Landlords have not proven that they in good faith require possession of the rental unit for the purpose of their daughter's residential occupation for a period of at least one year.
8. Both the Landlord Margaret Post and her daughter Pamela Post – the intended occupant of the rental unit, per the N12 Notice – testified at the hearing. Pamela Post was not present in the hearing when Margaret Post gave her testimony.
9. Margaret Post testified that her daughter was currently without housing and needed the rental unit for her own personal use. She clarified that her daughter is currently "floating" between housing situations.
10. On cross-examination, Margaret Post confirmed that the Landlords own four rental units comprising one residential complex. She also confirmed that a Tenant moved out of the rental unit adjacent to the Tenant's unit in November 2025 and that the units are similar in structure and layout. She testified that this unit was re-rented to a new Tenant on December 1, 2025. The Tenant's representative asked why – if the Landlord's daughter is without stable housing and the Landlord had a vacant unit available in a similar unit to the Tenant's unit in November 2025 – the Landlord's daughter did not move into that unit. Margaret Post responded that the Landlords' had already promised that unit to someone else, their granddaughter (who she did not name).

11. Pamela Post joined the hearing and testified to her need for the rental unit. She testified that she is currently “couch surfing” and therefore is in need of the Tenant’s rental unit.
12. Given the information testified to by Margaret Post about the recently-vacated-and-re-rented unit in the residential complex, I asked Pamela Post whether she knew anybody else residing in the residential complex. She testified that she did not know anybody living in the other three units.
13. Pamela Post’s testimony directly contradicts that given by Margaret Post. It is not plausible that Pamela Post intends to move into a rental unit directly adjacent to another member of her family – Margaret Post’s granddaughter and (presumably) Pamela Post’s niece – and was unaware of that fact. This is especially the case since her parents own both of the rental units in question. There is, in my view, no credible explanation of these circumstances.
14. I find that it is more likely than not that the story presented to the Board by the Landlords is untrue and that they have not issued the N12 Notice in good faith. The accounts of the two witnesses were inconsistent on further scrutiny and therefore I find both of their testimony to lack credibility.
15. As such, the Landlords’ application is dismissed.

It is ordered that:

1. The Landlords’ application is dismissed.

March 6, 2026

Date Issued

Jeremy Henderson

Member, Landlord and Tenant Board

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Toronto ON M7A 2G6 If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.