



Order under Section 69 Residential Tenancies Act, 2006

Citation: Swain v Reiss, 2026 ONLTB 19964

Date: 2026-03-10

File Number: LTB-L-086994-25

In the matter of: B, 310 Coronation Blvd.
Amherstview ON K7M5P9

Between: Carol LORRAINE Swain Landlord
Ron Swain

And

Mark Reiss Tenant

Carol LORRAINE Swain and Ron Swain (the 'Landlord') applied for an order to terminate the tenancy and evict Mark Reiss (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 19, 2026.

The Tenant, the Tenant's representative Paula Stevens, and the Landlords attended the hearing.

Determinations:

1. As explained below, the application is dismissed because the Landlord has not paid the Tenant compensation as required under the Act.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On October 14, 2025, the Landlord gave the Tenant an N12 notice of termination with the termination date of December 31, 2025. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by their child.
4. The Act requires the Landlord to pay the Tenant compensation.

Section 49.1 (1) states - **A landlord shall compensate a tenant** in an amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant if, [emphasis]

(a) the landlord gives the tenant a (N12) notice of termination of the tenancy on behalf of a purchaser under subsection 49 (1) or (2):

Section 55.1 states - If the landlord is required to compensate a tenant under section 48.1, 49.1, 52, 54 or 55, **the landlord shall compensate the tenant no later than on the termination date specified in the notice of termination of the tenancy given by the landlord** under section 48, 49 or 50. [emphasis].

5. Section 49.1 of the Act requires a landlord who has served a tenant with an N12 notice pursuant to section 49.1 to pay compensation to the tenant in an amount equal to one month's rent.
6. Section 55.1 of Act provides that the compensation must be paid to the tenant no later than on the termination date specified in the N12 notice of termination of the tenancy given by the landlord under section 49.1.
7. The Landlord testified that they have not paid any compensation to the Tenant. They indicated they did not want to pay compensation because it was clear whether the Tenant intended to vacate.
8. The Landlord has not compensated the Tenant an amount equal to one month's rent and the termination date has passed.
9. Section 83(4) of the Act states that the Board cannot terminate a tenancy if the Landlord has not complied with the requirement to pay compensation.
10. I am not satisfied that the Landlord has met all the technical requirements pursuant to section 49 of the *Residential Tenancies Act*.
11. Therefore, pursuant to section 55.1 and section 83(4) of the Act, the application is incomplete and must be dismissed because the Landlord did not pay compensation to the Tenant in an amount equal to one month's rent on or before the termination date in the N12 notice.

It is ordered that:

The Landlord's application is dismissed without prejudice.

March 10, 2026
Date Issued

Jeanie Theoharis
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.