



Order under Section 69 Residential Tenancies Act, 2006

Citation: Bowen v White, 2026 ONLTB 20355

Date: 2026-03-09

File Number: LTB-L-095361-25

In the matter of: B, 153 PENETANG ST
BARRIE ON L4M1V9

Between: Beverly Bowen
Terry Bowen

Landlords

And

Maureen White

Tenant

Beverly Bowen and Terry Bowen (the 'Landlords') applied for an order to terminate the tenancy and evict Maureen White (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 February 18, 2026.

The Landlords, the Landlords' Legal Representative Lawrence Pomfret, the Tenant and the Tenant's Legal Representative Kimberly Teel attended the hearing.

Determinations:

1. On consent the parties agreed to add Terry Bowen as a Landlord to the application.
2. As explained below, the Landlords have not proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the application is dismissed.
3. The Tenant was in possession of the rental unit on the date the application was filed.
4. On October 28, 2025, the Landlords gave the Tenant an N12 notice of termination ('N12 Notice') with the termination date of December 31, 2025. The Landlords claim that they require vacant possession of the rental unit for the purpose of the Landlord Beverly

Bowen's brother's residential occupation, who will provide the Landlords with care services.

Care Service Provider

5. Section 48(1)(d) of the *Residential Tenancies Act* (2006) (the 'Act') permits a landlord to give a notice of termination if they, in good faith, require the rental unit for 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, if the person receiving the care services resides or will reside in the building, related group of buildings, mobile home park or land lease community in which the rental unit is located.
6. Section 2(1) of the Act defines "care services" as, subject to the regulations, health care services, rehabilitative or therapeutic services or services that provide assistance with the activities of daily living.
7. Section 2(1) of the General Regulation, O. Reg. 516/06, provides the following list of specific services that are included in the definition of "care services" in subsection 2(1) of the Act: nursing care, administration and supervision of medication prescribed by a medical doctor, assistance with feeding, bathing assistance, incontinence care, dressing assistance, assistance with personal hygiene, ambulatory assistance, and personal emergency response services.
8. Section 2(2) of O. Reg. 516/06 provides an additional list of services that are considered "care services" if they are provided along with any services set out in section 2(1) of the regulation – recreational or social activities, housekeeping, laundry services and assistance with transportation.
9. The residential complex is a duplex with the Landlords residing in one of the units. The Landlords seek to have Paul Mantler the brother of the Landlord Beverly Bowen move into the adjacent unit to provide the Landlords with care services.
10. The Landlord Terry Bowen testified that his health is not that good as he has fallen three times in the last year and he has concerns that his spouse would be able to assist if he falls again. He is taking blood pressure and cholesterol medication. Although he shovels the snow and cuts the grass at the residential complex he does not do it all at one time and stated that he requires Mr. Mantler to reside in the neighbouring unit to assist around the residential complex with yard work and taking him to appointments.
11. Paul Mantler testified that he could assist Mr. Bowen with falls better than his sister and has concerns for the Landlords physical needs at the property. He has care experience as he previously assisted in the care for his mother by assisting her with cooking and cleaning.
12. The Landlord Beverly Bowen testified that she has some health concerns regarding her legs including rashes and swelling, which make it hard to walk and stand for long periods of time. Her husband helps her get in and out of the bath, but does not assist her in bathing. She is not sure if her brother would be comfortable assisting her in and out of the bath as he wasn't comfortable doing that for their mother. She believes that her brother will help with a lot of things around the property.

13. Based on the Landlords' evidence, I am not satisfied on a balance of probabilities that Paul Mantler qualifies as a "caregiver" within the meaning of section 48(1)(d) of the Act. When read together with the regulation, I find that the legislation contemplates "care services" to capture intensive, regular support. None of the tasks Paul Mantler intends to perform fall under section 2(1) of the regulation, nor do they meet the threshold of intensity to qualify as care services justifying termination.
14. As Paul Mantler is not a caregiver as specified under section 48(1) of the Act, the Landlord's application must be dismissed.

It is ordered that:

1. The Landlords' application is dismissed.

March 9, 2026
Date Issued

Sean Ramage
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.