



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-009169-26

In the matter of: 517 BROOKS ST
SHELBURNE ON L9V3X5

Between: Gregory Adam K Hughes Landlord

And

Andrew Mayes Tenants
Stephanie Mainelli-Mayes

Gregory Adam K Hughes (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Mayes and Stephanie Mainelli-Mayes (the 'Tenants') 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 March 10, 2026.

Only the Landlord attended the hearing.

As of 9:23 a.m., the Tenants were not present nor represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations and Reasons:

1. As explained below, we are satisfied on a balance of probabilities that the Landlord in good faith requires possession of the rental unit for the purpose of his residential occupation for a period of at least one year.
2. On January 30, 2026, the Landlord served the Tenants with a valid Notice to Terminate a Tenancy at the End of the Term for Landlord's Own Use ("N12 Notice"). The termination date in the N12 is March 31, 2026. The N12 indicates that the Landlord intends to move into the rental unit for the purpose of residential occupation.
3. The issue to be determined is whether the Landlord "in good faith requires possession of the rental unit for the purpose of residential occupation for a period of at least one year", as per subsection 48(1) of the *Residential Tenancies Act, 2006* (the "Act").

4. The leading case on the determination of good faith in a landlord's own use application is *Salter v. Beljinac*, 2001 CanLII 40231 (ON SCDC), [2001] O.J. No. 2792 (Div. Ct.). *Salter v. Beljinac* was decided under a similarly worded section of the previous legislation. The test is whether, on a balance of probabilities, a landlord genuinely wants the rental unit and intends to occupy, or have his family member occupy, the unit as a residence. The test is not whether a landlord needs the unit or whether a landlord's desire to possess the rental unit is reasonable.
5. In a signed Declaration dated January 30, 2026, the Landlord explained that he will be moving into the rental unit for his own personal occupancy for at least one year as he wishes to move out of his parents' basement and regain his independence.
6. The Tenants were in possession of the rental unit on the date the application was filed.
7. The Landlord paid the Tenants the compensation required under s.48.1 of the *Residential Tenancies Act, 2006* (the "Act") on January 30, 2026.
8. We accept the evidence that the Landlord genuinely intends to move into the rental unit. His evidence is straightforward, consistent and logical and essentially unchallenged by the Tenants as they did not appear at the hearing today.

Rent Deposit

9. There is no last month's rent deposit.

Relief from Eviction

10. We have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Act and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act for the reasons that follow.
11. The Landlord was unaware of any circumstances in which to delay or deny the eviction. As the Tenants did not attend the hearing, we have no evidence or submissions with respect to their circumstances.

It is ordered that:

1. The tenancy between the Landlord and Tenants is terminated as of March 31, 2026. The Tenants must move out of the rental unit on or before March 31, 2026.
2. If the unit is not vacated on or before March 31, 2026, then starting April 1, 2026, the Landlord may file this Order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

3. Upon receipt of this Order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after April 1, 2026.

March 20, 2026
Date Issued

Farzana Kanji
Member, Landlord and Tenant Board

March 20, 2026
Date Issued

Dawn Sullivan
Vice-Chair, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on October 1, 2026, if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

