



Order under Section 57 Residential Tenancies Act, 2006

Citation: Makela v Wang, 2026 ONLTB 23063

Date: 2026-03-19

File Number: LTB-T-040747-25

In the matter of: 22 DELPHINIUM AVE
RICHMOND HILL ON L4E4N6

Between: Amanda Makela Tenant

And

Rong Wang Landlord

Amanda Makela (the 'Tenant') applied for an order determining that Rong Wang (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on February 11, 2026.

The Tenant, the Tenant's support person, Diane Makela, the Landlord's Legal Representative, Yun Tao Li, the Landlord and the Landlord's Interpreter, Yan Yan Su attended the hearing. The Landlord's son also appeared as a witness.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. The residential unit is a single detached house with a main floor unit and a basement unit. The Tenant moved into the basement unit in September of 2022 and she moved out on May 19, 2024.
3. The Tenant received an N12 notice of termination from the Landlord on March 30, 2024 with a termination date of May 31, 2024.
4. This application alleges that the Landlord served the N12 notice of termination in bad faith.

Tenant's Evidence, Amanda Makela (AM)

5. AM testified that after receiving the N12 notice of termination, the Landlord requested that she leave earlier than the termination date. The Tenant accepted an offer on another rental unit in Woodbridge and she vacated the unit on May 19, 2024.
6. AM stated that she had suspicions that the Landlord was not taking this action in good faith based on previous communications that she had with the Landlord. She stated that the Landlord tried to force her to pay increased rent and to pay utilities even though they were included in her rent. She felt that the Landlord's son was not going to move into the basement unit and that the Landlord would simply rent the basement for more money after she vacated the unit. The Tenant provided copies of text messages between the parties between 2022 and 2024.
7. AM explained that the Landlord and her son resided in the main floor unit when she commenced renting the basement and they resided in the main floor unit when she left the basement.
8. The Tenant stated that she saw girls moving possessions into the Landlord's garage on April 22, 2024 which suggested to her that they were moving into the basement apartment.
9. The Tenant stated that she saw an advertisement on June 1, 2024 where the Landlord was renting out the main floor unit of the house. She directed me to an ad that set out the address for 22 Delphinium Avenue and it described that the main floor unit was available for rent at \$3,700.00 per month.
10. AM stated that after googling the rental unit address on or about February 5, 2025, she discovered an advertisement for "room for rent" for the rental unit that she identified as the basement unit. Although there was no date on the ad and it did not state that it was a basement unit, the Tenant stated that she recognized it as the basement unit where she lived for several years. The ad stated "we have spacious bedrooms available in our Richmond Hill home" and "the room is for a single or couple and shares a washroom and kitchen."
11. Based on this information, AM believes that the Landlord's son is not residing in the basement unit and that the Landlord served the notice in bad faith.
12. AM is seeking a rent differential of \$5,220.0 and \$200.00 for moving expenses. She did not provide a copy of the new lease or a receipt for the moving expenses.

Evidence of the Landlord, Rong Wang (RW)

13. RW testified that she and her son are currently residing in the basement apartment and have been residing there since the Tenant vacated the basement apartment.
14. The Landlord confirmed that she did advertise the main unit for rent on June 1, 2024 as she and her son were residing in the basement apartment.

15. RW did not remember which form that she gave to the Tenant on March 30, 2024 but she did remember asking the Tenant to provide a decision promptly.
16. RW stated that she did not rent out the basement unit and that she has never advertised it for rent. She stated that she and her son remain in the basement apartment and her son is now attending the University of Toronto.

Evidence of the Landlord's son, Jiarong Zhan (JZ)

17. JZ testified that he continues to reside in the basement apartment with his mother and that he attends university full time.

Analysis

18. Subsection 57(1)(a) of the *Residential Tenancies Act, 2006* (the 'Act') requires the Tenant to prove each of the following on a balance of probabilities:
 - The Landlord gave the Tenant an N12 notice of termination under section 48 of the Act;
 - The Tenant vacated the rental unit as a result of the N12 notice of termination;
 - No person referred to in subsection 48(1) of the Act occupied the rental unit within a reasonable time after the Tenant vacated; and
 - The Landlord served the N12 notice of termination in bad faith.
19. The first and second criteria have been met as the Landlord served an N12 notice on the Tenant and the Tenant vacated the rental unit as a result of the N12 notice of termination. I am not persuaded that the Landlord's son did not occupy the rental unit within a reasonable time after the Tenant vacated.
20. This is the Tenant's application and she has the onus of providing me with sufficient evidence and testimony to persuade me, on a balance of probabilities, that the Landlord's son is not residing in the rental unit. The Tenant struggled to provide me with specific dates and provided very little, direct evidence.
21. The Tenant provided an advertisement that she stated that she noticed on February 5, 2025 whereby the basement unit was being rented out. This advertisement had no date, it did not state where the "rooms for rent" were located in the house and she did not provide any corroborating evidence which would confirm the date that the ad was posted. The Tenant also relied on the fact that the Landlord rented out the main floor unit and noted that other people appeared to be moving possessions into the garage in April of 2024 to suggest that the Landlord's son was not residing in the basement unit.
22. The Landlord's evidence was vague, she appeared to lack details of the N12 process and struggled to remember her actions at the time.

23. The Landlord's son confirmed that he was residing in the basement apartment and had been since June of 2024.
24. The Tenant proved the first two criteria of subsection 57(1)(a) of the Act but did not prove the last two criteria of the Act. Based on this result, the Tenant's application is dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

March 19, 2026
Date Issued

Carrie Bertrand
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.