



Order under Section 57 Residential Tenancies Act, 2006

Citation: valletta v Adamiec, 2026 ONLTB 23113

Date: 2026-03-23

File Number: LTB-T-060032-25

In the matter of: 41-222 Fall Fair Way
BINBROOK ON L0R 1C0

Between: Michelle Valletta Tenant

And

Marek Adamiec Landlord

Michelle Valletta (the 'Tenant') applied for an order determining that Marek Adamiec (the 'Landlord') gave a notice of termination in bad faith.

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

The Tenant, the Landlord's Legal Representative, Roman Andrzejewski and the Landlord attended the hearing.

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 known as Unit 41, 222 Fall Fair Way in Binbrook, Ontario.
3. This application alleges that the Landlord served an N12 notice of termination in bad faith.

Preliminary Issue

4. The Landlord's Legal Representative brought up a preliminary issue and requested that the application be dismissed. Mr. Andrzejewski stated that the previous order from the Landlord's L2 hearing (N12 notice), LTB-L-035090-24 which was heard on July 22, 2024, was dismissed on August 16, 2024. The application was dismissed as the Board was not satisfied that the Landlord was acting in good faith.
5. Mr. Andrzejewski read a section in the order that stated that the Tenant, who continued to reside in the rental unit at that time, return the compensation of \$1,750.00 to the Landlord as the application was dismissed.

6. Further, Mr. Andrzejewski stated that a Tenant may file an application under section 57(1)a of the *Residential Tenancies Act*, 2006 (hereinafter referred to as the “Act”) if “the landlord gave a notice of termination under section 48 in bad faith, the former tenant vacated the rental unit as a result of the notice or as a result of an application to or order made by the Board based on the notice, and no person referred to in clause 48(1) a, b, c or d occupied the rental unit within a reasonable time after the former tenant vacated the rental unit.”
7. The Landlord’s Legal Representative submitted that the Tenant “had not vacated the rental unit as a result of the notice or as a result of an application to or order made by the Board based on the notice” as the Landlord’s application was dismissed by the Board. He further stated that the order was issued on August 16, 2024 and the Tenant apparently vacated the rental unit on August 17, 2024.
8. The Tenant stated that she moved out of the rental unit on August 17, 2024 as she believed that she had no choice but to vacate the unit. She confirmed that she did receive a copy of the order on August 16, 2024. Ms. Valletta stated that the order did not seem to correspond with her recollection of the hearing on July 22, 2024 and requested that she receive an audio recording of the hearing for that date.
9. As the Landlord’s application to terminate Ms. Valletta’s tenancy was dismissed on August 16, 2024 (order based on the notice), the Tenant is unable to file this T5 application and it must be dismissed.

It is ordered that:

1. The Tenant’s application is dismissed.

March 23, 2026

Date Issued

Carrie Bertrand

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.