



Order under Section 69 Residential Tenancies Act, 2006

Citation: Virhia v McGillivary, 2026 ONLTB 23988

Date: 2026-03-23

File Number: LTB-L-109041-25

In the matter of: 54 LANGSTON DR
BRAMPTON ON L6V3W7

Between: Avtar Virhia Landlord

And

Amanda McGillivary Tenant
Ryan Macor

Avtar Virhia (the 'Landlord') applied for an order to terminate the tenancy and evict Amanda McGillivary and Ryan Macor (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 17, 2026.

The Landlord and the first-named Tenant attended the hearing. Ms. McGillivary advised that Ryan Macor vacated the rental unit on August 2, 2020 and that she is the only Tenant.

Determinations:

1. As explained below, the application is dismissed because the N12 notice of termination did not provide a termination date falling on the last day of the rental period being February 28, 2026 as required in Section 48(2) of the *Residential Tenancies Act*, 2006 (the "Act").
2. Section 48 reads as follows:

48(1) A landlord may, by notice, terminate a tenancy if 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 by,

1. The landlord;
2. The landlord's spouse;
3. A child or parent of the landlord or the landlord's spouse, or

4. 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.

48(2) The date for termination specified in the notice shall be at least 60 days after the notice is given and shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term.

3. On December 29, 2025, the Landlord hand-delivered the Tenant an N12 notice of termination with the termination date of June 1, 2025. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by the Landlords' child.
4. The Landlord and Tenant confirmed that the lawful monthly rent was due on the first day of each month.
5. Based on the submissions before me, I find that the lawful monthly rent was due on the first of each month and that the last day of the rental period would be February 28, 2026 and not March 1, 2026 as outlined in the notice. I find that the notice does not comply with section 48(2) of the Act.
6. As such, I find that the notice is defective and as such the application must be dismissed.

It is ordered that:

1. The Landlord'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.