



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-000644-26

In the matter of: 4, 65 BRYBECK CRES
KITCHENER ON N2M2C5

Between: Thu Vo Landlord

And

Tefera Worku Tenant

Thu Vo (the 'Landlord') applied for an order to terminate the tenancy and evict Tefera Worku (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.

This application was heard by videoconference on March 24, 2026.

The Landlord, The Tenant's Legal Representative, Mohamod Rijal, and the Tenant attended the hearing.

Determinations:

1. On October 31, 2025, the Landlord gave the Tenant an N12 notice of termination with the termination date of January 31, 2026. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by the Landlord's parent.
2. Section 48.1 of the *Residential Tenancies Act, 2006* (the 'Act') requires a landlord who has served an N12 notice to give the tenant compensation in the amount of one month of rent.
3. As of the date of the hearing the Landlord had not paid the Tenant compensation in the amount of one month of rent.
4. Section 55.1 of the Act requires a landlord who is obligated to give compensation to a tenant under s.48.1 to pay that compensation no later than the termination date in the N12 notice.

5. Subsection 83(4) of the Act provides that "*The Board shall not issue an eviction order in a proceeding regarding termination of a tenancy for the purposes of residential occupation ... until the landlord has complied with section 48.1, 52, 54 or 55, as the case may be*"
6. Because the Landlord did not pay the Tenant the compensation required by s.48.1 of the Act *prior to the termination date in the N12 notice*, as required by s.55.1 of the Act, pursuant to subs. 83(4) of the Act, this application must be dismissed.
7. The requirement that compensation be paid on or before the termination date ensures that a tenant served with an N12 notice has timely access to funds intended to assist with the move. A failure to pay compensation by that date undermines that statutory protection. For that reason, compliance with s. 55.1 is mandatory.

It is ordered that:

1. The Landlord's application is dismissed without prejudice to the Landlord filing a new application.

March 31, 2026
Date Issued

Joy Xiao
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.