



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

File Number: LTB-L-095591-25

In the matter of: 5, 97 OVERBROOK PL
NORTH YORK ON M3H4P5

Between: Euplio Puopolo Landlord
Diega Puopolo

And

Ron Mills Tenant

Euplio Puopolo and Diega Puopolo (the 'Landlord') applied for an order to terminate the tenancy and evict Ron Mills (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 February 19, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. At the commencement of the hearing, I raised a preliminary issue about service of the N12 notice of termination. The certificate of service states that the Landlord served the notice on the Tenant on October 9, 2025, but it was not noted how the notice was served.
2. The Landlord testified that the property manager was the one who served the Tenant the N12 Notice. When I asked about the method of service that was used and whether it would be possible to stand the matter down to have the property manager attend the hearing the Landlord changed his testimony and testified that he served the notice. The Landlord then testified that the property manager was not available and that the Landlord had no knowledge of the method of service, and the Landlord changed his testimony again and advised that his property manager was the one who served the Tenant.
3. The Tenant had no submissions in relation to the method of service for the notice of termination, nor was the property manager available to confirm the method of service or when it was served.

4. When a N12 notice is served on the Tenant, the certificate of service needs to reflect who served the notice, the date the notice was served, how it was served and it needs to be signed and dated by the person who served it. Without this information, I find that there is no proof of service as to how or when the N12 notice was served. For example, if the Landlord served the notice of termination by mail, it would add 5 additional days to when the Tenant was served the notice.
5. Without having a proper certificate of service before me, or a witness to confirm service, I am not able to confirm when or how the Tenant was served with the notice, and to ensure that the termination date on the N12 notice is correct. Section 48(2) of the Residential Tenancies Act, 2006 (the 'Act') requires a notice of termination that is given under that section (i.e. for personal use) to include a termination date that is at least 60 days after the notice is given and it must be the last day of a rental period or term. Without any concrete and reliable information about the method of service that was used, I am not satisfied on a balance of probabilities that the N12 Notice was given to the Tenant in accordance with s. 48(2). Therefore, the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

March 30, 2026
Date Issued

Samantha Greaves
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on September 28, 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.