



Order under Section 69 Residential Tenancies Act, 2006

Citation: Campbell v Wadhwani, 2026 ONLTB 26953

Date: 2026-04-01

File Number: LTB-L-092856-25

In the matter of: Basement, 104 VALONIA DR
Brampton ON L6V4J9

Between: Paul Adrien Campbell Landlords
Elizabeth Joanna Hart

And

Carmenee Wadhwani Tenant

Paul Adrien Campbell and Elizabeth Joanna Hart (the 'Landlords') applied for an order to terminate the tenancy and evict Carmenee Wadhwani (the 'Tenant') because:

- the Landlords 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 23, 2026.

The Landlords, the Landlords' legal representative Levi-Matthew Gordon, the Tenant, and the Tenant's legal representative Jimmy Gangadin attended the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On November 15, 2025, the Landlord gave the Tenant an N12 notice of termination with the termination date of January 14, 2026. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by the Landlords' children.
4. The Landlord did not make a good faith effort to pay the compensation required under section 48.1 of the *Residential Tenancies Act, 2006* (the 'Act') before the N12 Notice's termination date of January 14, 2025.

5. The Landlord sent an e-transfer to the Tenant on February 20, 2026 – more than one month after the termination date in the notice. There is no indication of an attempt to compensate the Tenant prior to the termination date.
6. The Board has the discretion to extend the deadline for compensation under section 48.1, pursuant to subsection 190(2). However, this discretion must be exercised in accordance with the LTB Rules of Procedure. Rule 16.4 sets out the factors the Board may consider in deciding requests to extend or shorten timelines under the Act as follows:
 - the length of the delay, and the reason for it;
 - any prejudice a party may experience;
 - whether any potential prejudice may be remedied;
 - whether the request is made in good faith; and
 - any other relevant factors.
7. The reason the Landlords gave for the delay is that the Landlords were experiencing cash flow issues relating to late rent payments by the Tenant. No documentary evidence was led in support of this proposition. This, in my view, is not a satisfactory explanation. If the Landlords were not in a position to pay the compensation pursuant to section 48.1, they were not in the position to serve the N12 Notice. The requirements for serving this type of notice are clear, and compensation before the date of termination is indisputably one of those requirements.
8. In my view, delayed payment of compensation under section 48.1 also has a significant prejudicial effect on tenants generally and this Tenant in particular. The compensation given under section 48.1 is intended to enable tenants to use those funds to secure new housing when they face the termination of their tenancy pursuant to a no-fault notice. When the compensation is received over a month late, that hinders a tenant's ability to search for new housing.
9. It is appropriate to extend the deadline for compensation in some cases (e.g. where a Tenant willingly frustrates the Landlord's efforts to provide compensation). This is not one of those cases. Therefore, I decline to exercise my discretion to extend the timeline and the Landlord's application is dismissed for failing to meet the requirements of section 48.1.
10. It is not disputed that the Landlord paid late compensation to the Tenant. Therefore, the Tenant is ordered to return the \$950.00 to the Landlord pursuant to section 73.1 of the Act.

It is ordered that:

1. The Landlord's application is dismissed.
2. The Tenant shall return the \$950.00 that they received from the Landlord on February 20, 2026.

April 1, 2026
Date Issued

Jeremy Henderson
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.