



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-000027-26

In the matter of: A, 1025 PARK STREET
KENORA ON P9N 1C2

Between: Thomas Andrew Clinton Landlords
Tannis Lynn Clinton
Kyle Andrew Clinton

and

Kailee Buccini Tenant

Thomas Andrew Clinton, Tannis Lynn Clinton and Kyle Andrew Clinton (the 'Landlords') applied for an order to terminate the tenancy and evict Kailee Buccini (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 March 19, 2026.

The Landlords and the Tenant, and the Tenant's representative, Samantha Smith, attended the hearing.

Determinations:

1. As explained below, the Landlords failed to pay the required compensation prior to the termination date. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On December 9, 2025, the Landlords gave the Tenant an N12 notice of termination with the termination date of February 28, 2026. The Landlord claims that their parents require vacant possession of the rental unit for the purpose of their parents' residential occupation.
4. The Tenant's representative raised a preliminary issue that no compensation has been paid to the Tenant. Section 48.1 of the *Residential Tenancies Act, 2006*, S.O., 2006, c.17 (the 'Act'), states:

A Landlord shall compensate a tenant in an amount equal to one month's rent

or offer the tenant another rental unit acceptable to the tenant if the Landlord gives the tenant a notice of termination of the tenancy under section 48.

5. In addition, section 55.1 of the Act states that “the Landlord shall compensate the tenant no later than on the termination date specified in the notice of termination given by the Landlord ...” [Emphasis added].
6. Furthermore, subsection 83(4) of the Act provides that no eviction order shall be issued in a proceeding regarding a termination of a tenancy for the purpose of residential occupation unless the Landlords has complied with section 48.1 of the Act.
7. The Landlords confirmed that they had not provided the required compensation to the Tenant pursuant to sections 48.1 and 55.1 of the Act by the termination date of February 28, 2026 because they were unaware of the requirement.
8. I find that sections 48.1 and 55.1 of the Act are clear that it is mandatory that the required compensation be paid on or before the termination date stated in the notice of termination. This requirement is set out in both the N12 notice and the application completed by the Landlord.
9. I do not find it appropriate to exercise my discretion under section 190(2) of the Act to extend the Landlord’s deadline to pay the required compensation as that would frustrate the purpose of sections 48.1 and 55.1.

It is ordered that:

1. The Landlords’ application is dismissed.

April 2, 2026
Date Issued

Adeela Alvez
Member, Landlords 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.