



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-009283-26

In the matter of: Basement Unit, 30 PETUNIAS RD
BRAMPTON ON L6V3G8

Between: Amalia Del Corvo Landlord

And

Rocco J Fagundes Tenant

Amalia Del Corvo (the 'Landlord') applied for an order to terminate the tenancy and evict Rocco J Fagundes (the 'Tenant') because the Landlord requires possession of the rental unit in order to convert the unit to a non-residential use.

This application was heard by videoconference on March 26, 2026.

The Landlord, the Landlord's support, Pina Loguidice, the Landlord's Legal Representative, Seema Passi, and the Tenant attended the hearing.

Determinations:

Preliminary Issue

1. On September 9, 2025, the Landlord gave the Tenant an N13 notice of termination with the termination date of January 31, 2026 (the 'N13 Notice'). The Landlord claims vacant possession of the rental unit is required because the Landlord intends to convert it to a non-residential use.
2. The Tenant requested the application be dismissed as the Landlord did not pay the compensation required by the termination date in the N13 Notice.
3. The Landlord's Legal Representative submitted that the Landlord was not required to pay the Tenant compensation as the Landlord received an order from the municipality requiring the rental unit be vacated as it was deemed to be illegally by the zoning by-law.
4. The rental unit is the basement unit in a house and there are only 2 units in the property.
5. Subsection 52 (2) of the *Residential Tenancies Act, 2006* (the 'Act') states that,

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,

- (a) the tenant receives notice of termination of the tenancy for the purposes of demolition or conversion to non-residential use;
 - (b) the notice of termination is given on or after the day the Protecting Tenants and Strengthening Community Housing Act, 2020 receives Royal Assent;
 - (c) the residential complex in which the rental unit is located contains fewer than five residential units; and
 - (d) in the case of a demolition, it was not ordered to be carried out under the authority of any other Act.
6. The reason selected in the N13 Notice was conversion, not demolition. Moreover, in reviewing the Order to Comply issued by the City of Brampton, it is not an order to demolish the rental unit, nor does it say that the Landlord must convert the rental unit to a non-residential use. Rather, the Order to Comply states, among other things, that: i) the rental unit is an unregistered or illegal additional dwelling unit; ii) the Landlord is required to submit an online application for registration and a change of use building permit to the Building Division for the creation of an additional residential unit within 30 days or apply for a finished basement for personal use; and iii) once the Landlord applies for registration, contact the property standards officer listed in the notice.
7. Based on the evidence and submissions provided, I find that the Landlord was required to compensate the Tenant one month's rent. Section 55.1 of the Act requires that the compensation be paid by the termination date specified in the notice. This means that the Landlord was required to pay the compensation by January 31, 2026.
8. As the Landlord has failed to compensate the Tenant in accordance with the Act. The application must be dismissed.

It is ordered that:

- 1. The Landlord's application is dismissed.

April 7, 2026
Date Issued

Rachel Gibbons
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.