



## **Order under Section 57 Residential Tenancies Act, 2006**

**Citation:** Kumar v Rampersaud, 2026 ONLTB 28800

**Date:** 2026-04-13

**File Number:** LTB-T-053621-25

**In the matter of:** BSMT, 734 WOBURN WOODS LANE  
MISSISSAUGA ON L5C4N1

**Between:** Arun Kumar Tenant

**And**

Narinedat Rampersaud Landlord

Arun Kumar (the 'Tenant') applied for an order determining that Narinedat Rampersaud (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on March 12, 2026. Only the Tenant attended the hearing.

As of 12:14 p.m., the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenant's evidence.

### **Determinations:**

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. Subsection 57(1)(a) of the *Residential Tenancies Act, 2006* (the 'Act') requires the Tenant to prove each of the following on a balance of probabilities:
  - The Landlord gave the Tenant an N12 notice of termination under section 48 of the Act;
  - The Tenant vacated the rental unit as a result of the N12 notice of termination;
  - No person referred to in subsection 48(1) of the Act occupied the rental unit within a reasonable time after the Tenant vacated; and
  - The Landlord served the N12 notice of termination in bad faith.
3. In the application as before the Board the Tenant submitted they were served an N12 notice of termination on May 30, 2024 with a date of termination of July 31, 2024. That the message they received from the Landlord outlined that the Landlord decided to use the basement unit

as occupied by the Tenants and that they would be renovating. The Landlord was residing on the main level of the rental unit at the time.

4. That within one month of moving out, they found the unit advertised on "viewit.ca" and that while they paid monthly rent of \$1,580.00 it was listed at \$1,800.00. They felt deceived by the Landlord.
5. The Tenant relies on a number of screenshots as taken with their cell phone which he submits are the listing of the rental unit. The screenshot as evidenced in DOC-5911647, which the Tenant submits is the advertising of the rental unit for rent does not provide the rental unit address. The rental unit is described as a 2-bedroom walkout basement apartment in the Burnhamthorpe area and close to Square One Mall.
6. The Tenant submitted that the photos as attached to the advertising confirm for him that this is the rental unit he formerly occupied, and that there are no renovations visible.
7. There are no dates outlined in the ad to inform when the unit was advertised for rent, when it was available for rent or any other identifiers to provide an idea of a time frame in connection to the Tenant's T5 application.
8. The Tenant submitted that the Landlord may have other rental units in the area.
9. On an application to the Board, the person who alleges a particular event occurred has the burden of proof to establish that it is more likely than not that their version of events is true. In this application, the burden typically falls on the Tenant to establish that the notice of termination was served in bad faith.
10. Based on the uncontested evidence as before the Board, the Tenant did not prove any of the requirements in subsection 57(1)(a), I say this as there was no evidence of the service of an N12 notice or any other documented evidence to confirm the terms of the tenancy termination. Further, while the Tenant evidenced screenshots of a rental unit advertising which he submits is in fact the unit he once occupied, there was nothing in evidence to support this assertion. There was no rental unit address evidenced in connection to any of the photographic evidence relied upon or any outlined dates to support the Tenant's submissions.
11. Given the outlined above, the Tenant's application must be dismissed.

**It is ordered that:**

1. The Tenant's application is dismissed.

**April 13, 2026**  
**Date Issued**

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Alicia Johnson  
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.