



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-083105-25

In the matter of: 757 CAMERON ST
PETERBOROUGH ON K9J4A1

Between: Jude Guerrier Landlord

And

Christianna Carr Tenant

Jude Guerrier (the 'Landlord') applied for an order to terminate the tenancy and evict Christianna Carr (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.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on January 27, 2026.

The Landlord and the Tenant attended the hearing. The Landlord was represented by Haseeb Ullah.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy between the Landlord and the Tenant is terminated and the Tenant must move out on or before April 30, 2026.
2. The Tenant was in possession of the rental unit on the date the application was filed and continues to be in possession as of the hearing date.
3. As of the hearing date, the Tenant has paid the Landlord the utility arrears claimed in the L2 application.
4. By way of background this is a month to month tenancy in which rent is due on the first of the month in the amount of \$1,700.00.

5. It is uncontested that compensation for the N12 was paid to the Tenant on November 3, 2025

N12 Notice of Termination

6. On September 26, 2025, the Landlord gave the Tenant an N12 notice of termination with the termination date of November 30, 2025. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by them and their family.
7. The Landlord testified that they purchased the property which is a four bedroom house to reside with their family. The Landlord currently rents in a one-bedroom basement unit with a temporary division for his daughter's living space as they await vacant possession of the rental unit.
8. The Landlord confirms they do not own any other property and testify to the hardship they've experienced in living in a small space for their family; their daughter attends school in the area and they anticipate living at the property for over two years.
9. The Landlord submits their current living situation impacts their social lives as they are unable to host anyone due to a lack of space. The Landlord further testified to the financial impact of having to pay the rent for the basement and mortgage on the property as the Tenant continues to reside there.
10. The Landlord seeks a termination of the tenancy at the earliest possible date.

TENANT'S RESPONSE

11. The Tenant submit she is a single mom, who is 50-years old, has a disability which is why she is currently unemployed but receiving ODSP benefits and has resided in the unit since January 2018. The Tenant also testified to having three children between the ages of 12 - 22 who also are well-rooted in the community and attend school nearby.
12. The Tenant does not seek to move out of the rental unit for at least another few years and has not been looking for alternative housing since receiving the N12 notice of termination.

ANALYSIS

13. The relevant case law is clear that the test of good faith is genuine intention to occupy the residential unit (Feeney v. Noble (1994), 19, O.R. (3d) (Div. Ct.) ("Feeney"). As confirmed in subsequent decisions (Salter v. Beljinac 2001 CanLII 30231 (ONSC DC) ("Salter"), this legal test remains unchanged under the successor legislation (see Salter, para. 25 and 26).
14. The subsequent case law also confirms that while the good faith of the Landlord remains the test to be applied in this application, I may also draw inferences about the Landlord's good faith from the Landlord's conduct and motives (Fava v. Harrison 2014 ONSC 3352 (ONSC DC) ("Fava").

15. Based on the evidence before the Board, I find that the Landlord has established that they in good faith require possession of the rental unit for the purpose of residential occupation for their family. I say this as the Landlord's rationale for moving into the rental unit appears to be logical and reasonable. There was nothing before me from the Tenant to challenge the Landlord's intentions of wanting to move in.
16. With respect to the Tenant's request for a delay in eviction of a few years, I do not find that to be reasonable, although I empathize with the Tenant's circumstances. I find the Tenant has been on notice for the past five months, if not more, of the Landlord's intention to move into the rental unit and so has had time to secure alternative accommodation. I do not find a further delay, particularly in the face of the Landlord's financial and family circumstances, to be warranted.
17. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Residential Tenancies Act, 2006 (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out on or before April 19, 2026.
2. If the unit is not vacated on or before April 19, 2026, then starting April 20, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord, on or after April 20, 2026.

April 8, 2026
Date Issued

Sonia Anwar-Ali
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 October 20, 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.