



Order under Section 69 Residential Tenancies Act, 2006

Citation: Mak v Melnik, 2026 ONLTB 29994

Date: 2026-04-13

File Number: LTB-L-093531-25

In the matter of: 264 Elmwood Avenue
Richmond Hill ON L4C1L4

Between: Iris Ka Yi Mak Landlords
Chi Wah Ng

And

Nicolay Melnik Tenant

Iris Ka Yi Mak and Chi Wah Ng (the 'Landlord') applied for an order to terminate the tenancy and evict Nicolay Melnik (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.

This application was heard by videoconference on April 9, 2026. The Landlords and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord's application is dismissed.
2. The Landlord's application was filed on November 11, 2025 and is based on a N12 notice of termination served to the Tenant on November 6, 2025. The termination date in the N12 notice is January 14, 2026. The N12 notice was served because the Landlord's child requires the rental unit for their own personal use pursuant to section 48 (1) (c) of the *Residential Tenancies Act, 2006* (the Act).
3. Section 48.1 of the Act states that, "a landlord shall compensate a tenant in the 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".
4. Section 55.1 of the Act requires that compensation under section 48.1 be paid to the tenant no later than on the termination date specified in the notice of termination.

5. Section 83(4) of the Act provides that the Board shall not issue an eviction order if the landlord has not complied with the compensation requirement in section 48.1.
6. As of the hearing date (almost three months since the termination date set out in the notice), the Landlords have still not paid to the Tenant compensation equal to one month's rent, nor have they offered the Tenant an acceptable alternate rental unit.
7. As such, I find that the Landlords have not satisfied a statutory requirement for this application, and the application must therefore be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

April 13, 2026
Date Issued

Fabio Quattrociocchi
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.