



Order under Section 69 Residential Tenancies Act, 2006

Citation: Zorotheos v Linebaugh, 2026 ONLTB 31113

Date: 2026-04-23

File Number: LTB-L-007397-26

In the matter of: 2nd floor, 183 GOUGH AVE
TORONTO ON M4K3P2

Between: Exarmenia Zorotheos Landlord

And

Ryan Linebaugh Tenants
Christina Coopman

Exarmenia Zorotheos (the 'Landlord') applied for an order to terminate the tenancy and evict Ryan Linebaugh and Christina Coopman (the 'Tenants') 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 13, 2026.

The Landlord's Agent, Angie Zorotheos, the Landlord's Legal Representative, Elaine Page, the Tenants' Legal Representative, Linda Flores, and the Tenants attended the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the application is dismissed.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. The Landlord's Legal Representative confirmed that on January 22, 2026, the Landlord gave the Tenants an N12 notice of termination deemed served January 27, 2026 via mail with the termination date of March 31, 2026. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by their child.

4. Although there were delays with Canada Post due to a severe winter storm at that time, that does not negate the Landlord's proper service. The issue here is that the application was filed on the same day the N12 notice was deemed served.
5. The Landlord's Legal Representative stated that she could not verify that the N12 notice arrived at the rental unit before the Landlord filed the application.
6. Subsection 69(1) of the *Residential Tenancies Act, 2006* (the 'Act') states:
 1. A landlord may apply to the Board for an order terminating the tenancy and evicting the tenant **if the Landlord has given notice to terminate the tenancy** under this Act or the *Tenant Protection Act, 1997*.

[emphasis added]
7. The Landlord filing the application with the Board prior to ensuring the N12 notice arrived at the rental unit is therefore contrary to s. 69(1) of the Act. As the application was improperly filed, the Board has no basis on which to hear the matter, and the application must be dismissed.
8. I will also note that other preliminary issues regarding the validity of the content of the N12 notice such as the name of the Landlord and the unit address listed on the notice were also determined at the hearing. However, those issues are moot as the application must be dismissed.

N12 Compensation:

9. The Tenants testified that they provided the Landlord with post-dated rent cheques which included the rent for February 2026 (\$1,419.00).
10. The Landlord claims that compensation was given to the Tenants by waiving the rent for February 2026. The Landlord's Agent confirmed that the cheque was not cashed, and they now can not locate it.
11. As the application must be dismissed, the Landlord requested the compensation be returned in the form of the Tenants paying the rent for February 2026. The Tenants, however, are concerned that they would essentially be paying double the rent for that month if the Landlord were to locate and cash the missing prior cheque. It was suggested to the Tenants to cancel the older cheque and issue a new one in order to return the one month's compensation to the Landlord. The Tenants indicated they understood that instruction.

It is ordered that:

1. The application is dismissed.
2. The Tenants are to return to the Landlord the compensation payment provided to them with respect to this application on or before May 4, 2026.

3. If the Tenants do not return the compensation, they will owe interest on the amount. This will be simple interest calculated from May 5, 2026 at 4.00% annually on the balance outstanding.

April 23, 2026
Date Issued

Fotoula Hatzantonis
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.