



Order under Section 69 Residential Tenancies Act, 2006

Citation: Legere v Mcgrath, 2026 ONLTB 33960

Date: 2026-04-29

File Number: LTB-L-001646-26

In the matter of: Main Floor, Room 2, 452 Clinton St
Toronto ON M6G2Z2

Between: James Legere Landlord

And

Jonathon Mcgrath Tenant

James Legere (the 'Landlord') applied for an order to terminate the tenancy and evict Jonathon Mcgrath (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 March 24, 2026.

Only the Landlord and the Landlord's legal representative Claudette Ricketts attended the hearing. Katya Legere attended as a witness for the Landlord. Lore Dana Lacaprara attended as a support person for the Landlord.

As of 9:33 a.m., the Tenant 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 Landlord's evidence.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy is terminated pursuant to the order below.
2. The Tenant was in possession of the rental unit on the date the application was filed.

On June 16, 2025, the Landlord gave the Tenant an N12 notice of termination with the termination date of April 30, 2026. The Landlord claims that they require vacant

possession of the rental unit for the purpose of residential occupation by his daughter, Katya Legere.

3. The Landlord in good faith requires possession of the rental unit for the purpose of his daughter's residential occupation for a period of at least one year.
4. The Landlord's daughter, Katya Legere, testified at the hearing. She testified that she intends to move to the rental unit to be closer to her father, who lives in the upper unit of the residential complex. She testified that she is currently living in Sarnia but is finding the cost of living independently to be too expensive, preferring instead to move into her father's building in Toronto. She testified that she currently pays \$2,000.00 in rent in Sarnia but will be paying \$1,200.00 to her father in Toronto. She testified that she does not work in Sarnia and that her husband works in the construction industry and intends to find employment in Toronto. She testified that she is moving to save money and be closer to her family members, and that her intention is to reside in the rental unit for at least five years.
5. I found Ms. Legere's testimony to be highly credible. She provided consistent and detailed responses to the Board's questions and her explanation of her intention to move into the rental unit is cognizable. I am satisfied on the basis of her testimony that she has a good faith intention to reside in the rental unit for a period of at least one year.
6. The Landlord has compensated the Tenant an amount equal to one month's rent by April 30, 2026. A cheque for \$550.00 was provided to the Tenant on March 4, 2026, although the Landlord indicated that the Tenant had not cashed the cheque as of the hearing date.
7. There is no last month's rent deposit.
8. 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 not be unfair to postpone the eviction until May 31, 2026 pursuant to subsection 83(1)(b) of the Act.
9. Ms. Legere testified that she is not intending to move to Toronto until the summer to allow her two children – ages 5 and 6 – to complete their school year in Sarnia. A postponed eviction date of May 31, 2026, provides the Tenant with some additional time to secure new housing without undermining Ms. Legere's plans to move into the rental unit.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before May 31, 2026.
2. If the unit is not vacated on or before May 31, 2026, then starting June 1, 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 June 1, 2026.

April 29, 2026
Date Issued

Jeremy Henderson
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 December 1, 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.