



Order under Section 57 Residential Tenancies Act, 2006

Citation: Li v Wang, 2026 ONLTB 34008

Date: 2026-05-01

File Number: LTB-T-036620-23

In the matter of: 121 Tall Oak Private
Ottawa Ontario K1G6T3

Between: David Li Tenant

And

Tianyun Wang Landlord
Jie Zhu

And

Kevin Yixi Purchaser

David Li (the 'Tenant') applied for an order determining that Tianyun Wang (the 'Landlord') and/or Kevin Yixi (the 'Purchaser') gave a notice of termination in bad faith.

This application was heard by videoconference on April 24, 2026.

The Tenant, the Landlord, the Purchaser, and the Purchaser's Legal Representative Rong Wei Yu attended the hearing.

Gerald Yang interpreted for the Landlord Jie Zhu.

Xia Sun attended as a witness for the Purchaser; her testimony was not required.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application; the presumption filed under is not applicable to the notice the Tenant vacated pursuant to. Therefore, the application is dismissed.
2. The Tenant's application is based on vacating pursuant to a notice of termination under section 49 of the *Residential Tenancies Act, 2006* (the 'Act') for purchaser's own use.

3. The caselaw establishes that an actual Form N12 is not required, if the Tenant vacated the rental unit on what amounts to be a notice of termination for own use, then they vacated pursuant to the Act (*Albuquerque v. Ganesamoorthy*, 2025 ONLTB 67385 (LTB-T-019666-25)). In the case at hand, I find the Tenant vacated pursuant to such a communication, therefore, the Tenant vacated pursuant to section 49 (1) of the Act.
4. Section 57 (1) says the Board may make an order based on bad faith if it determines that,
 - (a) the landlord gave a notice of termination under section 48 in bad faith, the former tenant vacated the rental unit as a result of the notice or as a result of an application to or order made by the Board based on the notice, and no person referred to in clause 48 (1) (a), (b), (c) or (d) occupied the rental unit within a reasonable time after the former tenant vacated the rental unit;
 - (b) the landlord gave a notice of termination under section 49 in bad faith, the former tenant vacated the rental unit as a result of the notice or as a result of an application to or order made by the Board based on the notice, and no person referred to in clause 49 (1) (a), (b), (c) or (d) or 49 (2) (a), (b), (c) or (d) occupied the rental unit within a reasonable time after the former tenant vacated the rental unit; or
 - (c) the landlord gave a notice of termination under section 50 in bad faith, the former tenant vacated the rental unit as a result of the notice or as a result of an application to or order made by the Board based on the notice, and the landlord did not demolish, convert or repair or renovate the rental unit within a reasonable time after the former tenant vacated the rental unit.
5. Here the Tenant filed their application under section 57 based on the rebuttable presumption in section 57(5) and the one-year requirement.

It is ordered that:

1. The Tenant's T5 application is dismissed.

May 1, 2026
Date Issued

Diane Wade
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.