



Order under Section 57 Residential Tenancies Act, 2006

Citation: McArthur v Brillert, 2026 ONLTB 34245

Date: 2026-05-01

File Number: LTB-T-089600-25

In the matter of: 28a LOUNT ST
BARRIE ON L4M3E1

Between: Cameron McArthur Tenant

And

Jonathan Brillert Landlord

Cameron McArthur (the 'Tenant') applied for an order determining that Jonathan Brillert (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on April 21, 2026. Only the Tenant attended the hearing. As of 9:30am, the Landlord was not present or represented at the hearing.

Determinations:

1. As explained below, the Tenant's application is dismissed.
2. The Tenant's application was filed on October 23, 2025 and is a T5 application pursuant to section 57(1) of the *Residential Tenancies Act, 2006* (the Act) which speaks to an issue when a landlord serves a tenant with either a N12 or N13 notice of termination and does not fulfill the intentions set out in those notices within a reasonable period of time.
3. In this case, the Tenant's application was filed because the Tenant served the Landlord with an N15 notice of termination under section 47.1, which speaks to a tenant's notice to end the tenancy because of fear of sexual or domestic violence and abuse. The pleadings in the application relate to the Landlord's conduct prior to and after the N15 notice was served.
4. The Tenant confirmed at the hearing that no N12 or N13 notice was served by the Landlord, nor did the Landlord demand that the Tenant vacate the rental unit for the reasons set out in these notices.
5. In my view, the application must be dismissed as the Tenant's pleading and/or allegations are properly plead on a T2 application before the Board alleging illegal entry, substantial interference with their reasonable enjoyment and/or harassment.

6. As such, the application is dismissed as the Landlord did not serve a notice of termination in bad faith as set out in section 57 of the Act.

It is ordered that:

1. The Tenant's application is dismissed.

May 1, 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.