



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-102940-25

In the matter of: 3, 65 PROSPECT AVE
KIRKLAND LAKE ON P2N2W3

Between: KEVIN BRISEBOIS Landlord

And

VIOLET HUMENIUK Tenant

KEVIN BRISEBOIS (the 'Landlord') applied for an order to terminate the tenancy and evict VIOLET HUMENIUK (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 4, 2026.

The Landlord, the Tenant and the Tenant's legal representative Brandy Lee-Leonard attended the hearing.

Preliminary Issue – Payment of Statutory Compensation

1. At the hearing the Landlord confirmed that no monetary compensation was paid to the Tenant. The Landlord testified that instead an alternative rental unit was offered to the Tenant in or around February 17, 2026 but the Tenant did not accept that offer.
2. As a preliminary issue, I must determine whether the Landlord has complied with the mandatory compensation requirements set out in the Residential Tenancies Act, 2006, S.O. 2006, c.17 Section 48.1 (the 'Act') requires that a landlord who gives notice of termination under section 48 of the Act must compensate the tenant in an amount equal to one month's rent or offer another rental unit acceptable to the tenant.
3. Section 55.1 of the Act further requires that this compensation be paid no later than the termination date specified in the notice of termination. In addition, subsection 83(4) of the Act provides that the Board shall not issue an eviction order in a proceeding based on a notice of termination for residential occupation unless the landlord has complied with section 48.1.

4. The notice of termination in this matter was served on October 31, 2025, with a termination date of December 31, 2025. I find that the Landlord's offer of an alternative unit occurred after the termination date set out in the notice.
5. As a result, the Landlord did not comply with the requirement under section 55.1 of the Act to provide compensation on or before the termination date. Further, the evidence does not establish that the alternative unit offered was acceptable to the Tenant, as required by section 48.1 of the Act.
6. Accordingly, I find that the Landlord has failed to comply with the mandatory compensation requirement under section 48.1 of the Act.
7. Pursuant to subsection 83(4) of the Act, the Board is prohibited from issuing an eviction order where the landlord has not complied with section 48.1. This failure is determinative of the application.
8. The Landlord's application is therefore dismissed.

It is ordered that:

1. The Landlord's Application is dismissed.

May 1, 2026
Date Issued

Nathan Korenberg
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.