



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

File Number: LTB-L-074270-24-RV

In the matter of: 24 BLUEJAY DR
BARRIE ON L4M5P2

Between: Corey Vandenburg Landlord

And

Brian Paproski Tenant
Patricia Mackay

Review Order

Corey Vandenburg (the 'Landlord') applied for an order to terminate the tenancy and evict Brian Paproski and Patricia Mackay (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.

The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was resolved by order LTB-L-074270-24 issued on December 19, 2025.

On January 11, 2026, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On January 28, 2026 interim order LTB-L-074270-24-RV-IN was issued, staying the order issued on December 19, 2025.

This application was heard by videoconference on April 30, 2026.

The Landlord, Landlord's representative A. Winch, the Tenants and the Tenants' representative Erli Bregu attended the hearing. Star Newton, witness for the Landlord, also attended the hearing.

Determinations:

1. The Tenants submit in their review request that a serious error occurred in the Board's order. Specifically:
 1. Insufficient reasons and analysis were given for the determination that the N12 was valid.
 2. The Member erred by relying on photographic evidence in making credibility determinations that the Member had stated would not be admitted.

3. The Per-Diem compensation amount owing from the Termination date was incorrect as it did not account for rent paid by the Tenant.

N12 Validity

2. The review request states that the Member erred by not providing sufficient reasons and details regarding the determination that the N12 was valid.
3. The Member at paragraph 2 of the determinations section makes the finding that the Landlord served an N12 notice of termination but does not embark on any discussion regarding its validity.
4. The hearing recording on January 6, 2026 indicates that the Member raised the issue that the address identified in the N12 is "Upper Unit", but the certificate of service does not identify the unit, nor does the Application. The parties made submissions during the hearing at 000:53:00 regarding how the N12 was delivered and if the envelope indicated the unit. The Landlord could not provide evidence as to what was on the envelope. There was no discussion as to whether the N12 came to the attention of the Tenant in some other way, to satisfy the requirement in section 191(2) of the *Residential Tenancies Act, 2006* (the 'Act').
5. The Member on January 6, 2025 reserved his decision on that point, proposing to hear the merits of the application, then provide his determination as to the validity of the N12 notice of termination in his final order.
6. I have listened to the hearing recording, considered the submissions of the parties, and reviewed the order. I am satisfied that there is a serious error in the order or that a serious error occurred in the proceedings. The Member failed to grapple with the issue of the validity of the N12 notice of termination, which, if found invalid, would materially change the outcome of the proceedings.
7. The Tenant's request for review was granted.
8. Having granted the review on the first issue, it was unnecessary to consider the Tenant's other two issues.
9. After the request for review was granted, the parties consented to the following order. I was satisfied that the parties understood the consequences of their joint submissions.

It is ordered that:

1. The request to review order LTB-L-074270-24 issued on December 19, 2025 is granted. The order is cancelled and replaced with the following order.
2. The tenancy between the Landlord and the Tenants is terminated on consent. The Tenants shall vacate the rental unit on or before July 31, 2026.
3. If the unit is not vacated on or before July 31, 2026, then starting August 1, 2026, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

4. 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 August 1, 2026.
5. The parties agree that the Tenants owe no arrears of rent.
6. The rent owing for the months of May, 2026 and June, 2026 are waived by the Landlord.
7. Last month's rent deposit will apply to the last month of the tenancy.
8. The Tenants waive any interest on last month's rent deposit.
9. The Tenants shall pay the Landlord compensation of \$61.68 per day for the use of the unit starting August 1, 2026 until the date the Tenants move out of the unit.

May 8, 2026
Date Issued

Julie Broderick
Member, Landlord and Tenant Board

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