



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-013399-26

In the matter of: 3, 101 KENT ST
LONDON ON N6A1L2

Between: Tricar Properties Landlord

And

Fallon Smith Tenant

Tricar Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Fallon Smith (the 'Tenant') because:

- the Landlord requires possession of the rental unit in order to demolish the unit.

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

This application was heard by videoconference on May 7, 2026.

Only the Landlord's representative, Daniel Abraham, and the Landlord's agent, Christopher Maclean, attended the hearing.

As of 9:35 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 and the claim for compensation in the application. Therefore, the tenancy will terminate on or before July 1, 2026.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On February 11, 2026, the Landlord gave the Tenant an N13 notice of termination with the termination date of June 30, 2026. The Landlord claims vacant possession of the rental unit is required for demolition.
4. The Landlord paid the Tenant the required compensation on April 28, 2026.

5. At the hearing, the Landlord's Agent Christopher Maclean ('CM') testified that it intended to demolish the rental unit and build a high-rise residential building consisting of 100 units.
6. CM testified that they have retained a company to complete the demolition and submitted into evidence the architectural drawings.
7. CM testified that they have started the application process with the city of London to obtain permits related to this project. They were provided a required clearances for demolition permit dated January 26, 2026, from the city of London detailing the work as demolition of the current low-rise building.
8. Section 73 of the *Residential Tenancies Act, 2006* (the 'Act') states:

The Board shall not make an order terminating a tenancy and evicting the tenant in an application under section 69 based on a notice of termination under section 50 unless it is satisfied that,

(a) the landlord intends in good faith to carry out the activity on which the notice of termination was based; and

(b) the landlord has,

(i) obtained all necessary permits or other authority that may be required to carry out the activity on which the notice of termination was based, or

(ii) has taken all reasonable steps to obtain all necessary permits or other authority that may be required to carry out the activity on which the notice of termination was based, if it is not possible to obtain the permits or other authority until the rental unit is vacant.

9. CM testified that the Landlord has applied for the necessary permits, however the City has informed him that they will not issue any permits for the work until the Landlord can confirm the entire building is vacant. He testified that the building also needs to be vacant for the utilities companies to sign off on confirming that there is no electricity or gas supplied to the building prior to demolition.
10. Based on the Landlord's uncontested evidence, I am satisfied that the Landlord has taken all reasonable steps to obtain the necessary permits but is unable to do so until all tenants have vacated their units at the residential complex. I am also satisfied that the Landlord requires possession of the rental unit to demolish it and served the Tenants with the N13 notice for this and no other improper purpose.
11. Based on the monthly rent, the daily compensation is \$39.45. This amount is calculated as follows: \$1,200.00 x 12, divided by 365 days.
12. The Landlord collected a rent deposit of \$1,211.39 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$30.74 is owing to the Tenant for the period from February 21, 2025 to May 7, 2026.

13. The Tenant did not attend the hearing to provide submissions about their circumstances in support of granting relief from eviction. The Landlord's representative provided in submission that they are currently looking for housing.
14. Accordingly, 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

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 July 1, 2026.
2. If the unit is not vacated on or before July 1, 2026, then starting July 2, 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 July 2, 2026.
4. The Tenant shall also pay the Landlord compensation of \$39.45 per day for the use of the unit starting July 1, 2026 until the date the Tenant moves out of the unit.

May 15, 2026
Date Issued

Vinuri Sivalingam
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 January 2, 2027 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.