



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

Citation: Thomas v Sinclair, 2026 ONLTB 38515

Date: 2026-05-12

File Number: LTB-L-000571-26-RV

In the matter of: 13 Skegby Rd N
Brampton ON L6V2T8

Between: Mark Thomas Landlord

and

Glenn Sinclair Tenant

Review Order

Mark Thomas (the 'Landlord') applied for an order to terminate the tenancy and evict Glenn Sinclair (the 'Tenant') because:

- the Landlord has entered into an agreement of purchase and sale of the rental unit and the purchaser in good faith requires possession of the rental unit for the purpose of residential occupation.

This application was resolved by order LTB-L-000571-26 issued on April 13, 2026.

On May 11, 2026, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The request to review is on the ground that there is a serious error in the order.
2. The application was dismissed on the basis that the Landlord did not pay the Tenant compensation equal to one month's rent by the termination date stated in the N12 Notice of Termination ('N12 Notice') pursuant to section 48.1 of the *Residential Tenancies Act, 2006* (the 'Act'). The Member found that while the Landlord communicated that they are waiving rent arrears equal to one month's rent, they did not do so prior to the termination date stated in the N12 Notice.
3. The Landlord submits that the presiding Member seriously erred in his determination because the Act does not require that compensation be paid in any specific way nor does

it prescribe such time that a waiver of rent in lieu of compensation must be communicated to the Tenant.

4. Interpretation Guideline 8 - Review of an Order states that “A review is not an appeal” and states:

The LTB will not exercise its discretion to review an order interpreting the RTA unless the interpretation conflicts with a binding decision of the Courts or is clearly wrong and unreasonable.

5. No binding Court decisions that directly speak to the issue identified in the request to review were brought to my attention and I am not aware of any. I am also not satisfied that the order under review is clearly wrong and unreasonable. The Member’s interpretation that it must be clearly communicated to the Tenant and by the termination date specified in the notice is a reasonable interpretation of the Act and is consistent with many other Board decisions on the issue (see: Moulton v Layfield, 2025 ONLTB 30302; Aggarwal v Hall, 2021 CanLII 130123 (ON LTB); Gilotra v Minhas, 2024 ONLTB 32800; Duza v Brathwaite, 2024 ONLTB 61508).
6. Additionally, section 55.1 of the Act explicitly states that compensation must be paid by the termination date specified in the notice of termination. It would be unreasonable to expect that the Landlord could disregard this legislative requirement simply because they are choosing to waive rent arrears or a month of rent rather than issue payment to the Tenant.
7. The Landlord also submits that the hearing Member seriously erred in his determination that compensation was not paid prior to the termination date in the N12 Notice because the Landlord’s evidence demonstrates that the month the Landlord waived rent owing for September 2025, which was prior to the termination date of February 28, 2026 stated in the N12 Notice. While this may be true, this month of rent was not waived until it was communicated to the Tenant that it would be waived, which the Landlord only did in March 2026, after the termination date in the N12 Notice. This exact determination is also clearly stated in paragraph 4 of the order. Therefore, the Member’s finding that compensation was not paid prior to the termination date is reasonable and rationally connected to the evidence presented at the hearing and I find no error in this regard.
8. As I am not satisfied that there is a serious error in the order, the request to review must be denied.

It is ordered that:

1. The request to review order LTB-L-000571-26 issued on April 13, 2026 is denied. The order is confirmed and remains unchanged.

May 12, 2026
Date Issued

Candace Aboussafy
Member, Landlord and Tenant Board

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