



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-015791-26

In the matter of: Basement Apt., 45 MAPLE AVE
GEORGETOWN ON L7G5M3

Between: Dennis Newdick Landlord

And

Rebecca Vella Tenant

Dennis Newdick (the 'Landlord') applied for an order to terminate the tenancy and evict Rebecca Vella (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 May 14, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy in the application. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On January 23, 2026, the Landlord gave the Tenant an N12 notice of termination served by mail deemed served January 28, 2026, with the termination date of March 31, 2026. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by the Landlord's Spouse's Parent.
4. The Landlord, Dennis Newdick (D.N.), testified that he served the Tenant with an N12 notice because he requires vacant possession of the rental unit for the purposes of allowing his mother-in-law to occupy the rental unit for a period of at least one year.
5. D.N. testified that his mother-in-law was elderly and that he and his wife were paying for care services which she receives at her current place of residence. The Landlord tendered a document showing confirmation of these services.

6. D.N. testified that his home is located approximately 10 minutes from the rental unit, which is closer than the distance he would have to travel to visit his mother-in-law at her current residence. D.N. testified that his mother-in-law moving into the property would allow her to be closer to her family and allow him and his wife to help her when necessary.
7. D.N. testified that his mother-in-law last visited the property sometime in 2021 prior to the Tenant taking occupancy of the rental unit.
8. D.N. also testified that the rental unit did not have any stairs despite being in the basement or lower level of the home.
9. D.N. testified that the Tenant does not allow him to access the property to conduct any necessary repairs. D.N. also testified that he received a notice of violation from the City of Georgetown, stating that the property is designated as a single-family dwelling and an additional rental unit (ADR) is not permitted without a license and compliance with bylaws. The Landlord tendered a copy of a letter dated March 17, 2026, referencing the additional rental unit as evidence.
10. D.N. understood the violation to flow from the Tenant complaining to the City regarding a heating issue or lack of heating within the household.
11. On cross-examination, the Landlord confirmed that the basement does have stairs, but the number of stairs was minimal.
12. The Landlord also confirmed that the Tenant had been living in the unit since 2020, and that his mother-in-law would have last visited the unit sometime prior to that time.
13. The Landlord confirmed wanting to evict the Tenant previously for arrears of rent.
14. The Landlord agreed that based on the letter received from the City, he is no longer able to have more than one rental unit in the property.
15. The Landlord was unfamiliar with his mother-in-law's specific age, but he stated she was in her eighties.
16. The Landlord was not certain as to what steps would have to be taken to arrange and secure care services for his mother-in-law at the rental unit location.
17. The Landlord also confirmed that all his mothers-in-law's medical appointments were in Etobicoke closer to her current place of residence.
18. The Landlord testified that he does not have room in the house which he currently occupies to have his mother-in-law move in with him and his wife.
19. The Landlord's Witness, Madeline Gorjup (M.G.), testified that the Landlord is her son-in-law and her daughter.
20. M.G. testified that she has many health and mobility issues and requires the assistance of ongoing care from a nurse and personal care worker. She is generally taken to her medical appointments by her son-in-law and her daughter.

21. M.G. testified that the rental unit is located closer to her family when compared to her current residence. She also testified that she has trouble walking up and down stairs and that is another reason she cannot stay at her current residence.
22. M.G. testified that her current living arrangements were not ideal but failed to provide any specific detail as to what if any issues she was having. M.G. also confirmed owning the property she currently occupies.
23. M.G. testified that she is currently in a rehabilitation facility to assist her with her mobility issue, but she expects to be returning to her home within a short period of time.
24. On cross-examination, M.G. confirmed that the idea of her occupying the rental unit was her daughter's idea. She also testified that her daughter told her the unit would be vacant or available for her to occupy.
25. M.G. testified that she can handle a limited number of stairs and she believes she could handle the stairs required to go in and out of the rental unit.
26. M.G. confirmed that she had not visited the rental unit in what she described as being several years and confirmed that her only exposure to the rental unit was what her daughter showed her in photographs.
27. M.G. was not familiar with any issue or concerns within the rental unit.
28. M.G. has not taken any steps to or given any thought to what she intends to do with the home that she currently occupies if being given the ability to occupy the rental unit.
29. The Tenant, Rebecca Vella (R.V.), believes that the Landlord has served her this notice of termination in bad faith and that the Landlord's mother-in-law will not move into the rental unit.
30. R.V. testified that she believes that the Landlord also wants to evict her because she had an argument with the other tenant residing on the main floor regarding the temperature in the house being too cold and constant requests for the tenant upstairs to turn up the temperature.
31. R.V. describes her relationship with the Landlord as a very bad one where both parties dislike one another.
32. R.V. describes the rental unit as always being very cold in the winter and damp throughout the year. She says that this has a negative impact on her medical conditions.
33. R.V. testified that the Landlord has attempted to have her agree to vacate the unit for compensation which she refused to do.

34. R.V. also testified that she was served with the first N12 notice in September 2025, only a few weeks after her altercation with the other tenant and her comments that she was going to be contacting the City if the heat was not turned up and maintained at the minimum legal temperature. The Tenant has not uploaded any evidence to support a lack of heat in the rental unit.
35. Based on the evidence, the Landlord has not proven that they in good faith require possession of the rental unit for the purpose of their mother-in-law's residential occupation for a period of at least one year.
36. I make this finding because I do not find it logical or sensible for an elderly individual with multiple health and mobility issues to occupy a basement rental unit which also requires stairs to enter and exit. I also find it implausible that an individual who has health and mobility issues that requires a unit with few to no stairs would not attend the rental unit to ensure that it meets their minimum requirements and standards. In this case, the individual who intended to move into the unit has not seen the unit in over four years. I also find it odd for the intended individual to want to move from a comfortable larger home to a smaller basement unit. Lastly, the individual who intends on occupying the unit did not take any steps or give any thought to what they would do with their home which they own and currently occupy. For the reasons above, I do not find that the Landlord genuinely requires vacant possession of the rental unit for the occupation of his spouse's parent. I also do not find that the Landlord's spouse's mother-in-law genuinely intends to occupy the rental unit. Therefore, the application must be dismissed.
37. The Landlord has compensated the Tenant an amount equal to one month's rent by March 31, 2026. This compensation was paid by deducting the amount owing to the Tenant from arrears of rent which the Tenant owed the Landlord. At the hearing, the Landlord requested that in the event the application is denied, the Tenant hold onto the compensation, and said compensation be applied to the Landlord's next application.

It is ordered that:

1. The application is dismissed.

May 25, 2026
Date Issued

Ilan Shingait
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.