



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-109204-25

In the matter of: Room 3, 184 KING ST W
BROCKVILLE ON K6V3R5

Between: Burnbrae Property Holdings 2023 Inc. Landlord

And

Allan Medcalf Tenant

Burnbrae Property Holdings 2023 Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Allan Medcalf (the 'Tenant') because the Landlord requires possession of the rental unit in order to demolish the unit.

This application was heard by videoconference on March 5, 2026.

Only the Landlord's agent, Amanda McHugh, and the Landlord's legal representative, Emily Dalton, attended the hearing.

As of **9:40am**, 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. The application is amended at the request of the Landlord to correctly spell the last name of the Tenant as indicated on the N13 Notice of Termination. The application incorrectly spelled the Tenant's name as Metcalf. I accept that it was a clerical mistake and accordingly it is amended.
2. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy.
3. The Tenant was in possession of the rental unit on the date the application was filed and remained in possession of the rental unit as of the hearing date.
4. On August 1, 2025, the Landlord gave the Tenant an N13 notice of termination with the termination date of November 30, 2025. The Landlord claims vacant possession of the rental unit is required for demolition.

5. The Landlord testified that they intend to demolish the rental unit in order to remove all existing residential units and to convert the units into office space. On this basis, there will no longer be any residential rental units. Essentially, all of the foundation and walls will remain, but the unit will be completely deconstructed.
6. The Landlord has obtained the necessary permits to demolish the rental unit from the City of Brockville issued August 19, 2025. The Landlord explained that the permit states it is a partial interior demolition to investigate behind the walls to determine if there are any hazardous materials. The work must be completed in relating to the permit by no later than December 31, 2027.
7. I am satisfied that the Landlord has obtained the necessary permits for this work.
8. The residential complex contains at least five residential units and the demolition was not ordered to be carried out under the authority of any other Act. Therefore, the Landlord is required to compensate the Tenant in an amount equal to three months rent by the termination date or offer the Tenant another rental unit acceptable to the Tenant.
9. The Landlord has compensated the Tenant in an amount equal to three months rent in the amount of \$1,395.00 by November 27, 2025. This is based on a monthly rent of \$465.00 and is prior to the November 30, 2025 termination date.
10. Based on the uncontested evidence of the Landlord, I find that the Landlord requires the rental unit to be vacated because the Landlord in good faith intends to demolish it.
11. 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.
12. The Tenant did not attend the hearing to make submissions regarding their unique circumstances to consider any discretionary relief from eviction.
13. The Landlord requested at the hearing that the Tenant be given an extension to May 31, 2026 because they were aware that the Tenant is in receipt of CPP and was applying for ODSP. They submit that the Tenant has been aware of the demolition project on the basis that they have been advised of the same since May of 2025. The Landlord was not aware of any other circumstances that would warrant postponing the eviction.
14. The Landlord has a number of other units which are also being demolished in the residential complex and requires vacant possession as soon as possible to comply with the requirements in their demolition permit.
15. Although the Tenant did not attend the hearing and although the Landlord was generous in granting the additional time, I find it appropriate to extend the deadline for the Tenant to vacate the rental unit by June 7, 2026.

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 June 7, 2026.

2. If the unit is not vacated on or before June 7, 2026, then starting June 8, 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 June 8, 2026.

May 26, 2026

Date Issued

Terri van Huisstede

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 December 8, 2026 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.