



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-016301-26

In the matter of: 2nd Floor .South East Room, 4 DENNIS AVE
TORONTO, ON M6N2T6

Between: Piotr Mierzejewski Landlord

And

Jonnel Clunis Bernard Tenant

Piotr Mierzejewski (the 'Landlord') applied for an order to terminate the tenancy and evict Jonnel Clunis Bernard (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 26, 2026.

The Landlord and the Tenant attended the hearing.

Preliminary Issue:

1. I brought up an issue with the termination date of May 1, 2026 which was set out on the N12 notice of termination. I asked the parties to confirm when the rent is due and they both confirmed that rent is payable on the first day of the month.
2. Section 48(2) of the *Residential Tenancies Act*, 2006 (hereinafter referred to as the "Act") states "The date for termination specified in the notice shall be at least 60 days after the notice is given and shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term."
3. The N12 notice of termination lists the termination date as May 1, 2026 which is not the end of the rental term. The second page of the N12 notice of termination also notifies the parties, under Important Information from the Landlord and Tenant Board, that "the termination date must be the last day of the rental period. For example, if you pay rent on the first of each month, the termination date must be the last day of a month."

4. As the termination date on the notice of termination is contrary to section 48(2) of the Act, this notice is deficient and the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

June 1, 2026
Date Issued

Carrie Bertrand
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.