



Order under Section Residential Tenancies Act, 2006

Citation: Pragashpathy v Lee, 2026 ONLTB 42335

Date: 2026-06-03

File Number: LTB-L-019596-26

In the matter of: Basement, 14 Southside Place
Hamilton ON L9C7W4

Between: Annammah Pragashpathy Landlord
Robert Pragashpathy

And

Jonathan Lee Tenant

Annammah Pragashpathy and Robert Pragashpathy (the 'Landlords') applied for an order to terminate the tenancy and evict Jonathan Lee (the 'Tenant') because:

- the Landlords in good faith require 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 Landlords and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlords have 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 February 13, 2026, the Landlords gave the Tenant an N12 notice of termination deemed served on the same date with the termination date of April 30, 2026. The Landlords claim that they require vacant possession of the rental unit for the purpose of residential occupation for themselves.
4. In support of this application, the first-named Landlord filed a declaration dated February 26, 2026 which stated that she required the rental unit for her own personal residential occupation for a minimum period of one year. That declaration substantially complies with

the requirements of section 72(1) of the *Residential Tenancies Act*, 2006, (hereinafter referred to as the "Act.").

5. I have carefully reviewed the documentary evidence before me, the testimony of the parties and I have considered the parties' submissions. Although I may not have referred to each piece of evidence individually or referenced all of the testimony, I have considered it when making my determinations.

Evidence of the Landlord, Annammah Pragashpathy

6. The Landlord testified that she works as an interpreter and that she is able work remotely from her home. She stated that she has had to turn down some work offers due to the fact that she does not have a private and separate office to ensure her clients' confidentiality. She stated that this is why she served the N12 notice of termination on the Tenant so that she is able to use the basement apartment as a private office.
7. Mrs. Pragashpathy stated that as soon as the Tenant leaves the unit, she will move forward with setting the office up.
8. Based on the Landlord's reason for the notice, there was no need to continue with the hearing.

The Law

9. On an application before the Board, the person who seeks an order terminating the tenancy has the burden of leading sufficient evidence to establish that i) the technical requirements of the Act have been met, and ii) it is more likely than not that their version of events is true. In this case, the burden falls on the Landlord.
10. The N12 notice served pursuant to subsection 48(1)(a) of the Act allows a landlord to give a notice of termination if the landlord requires possession of the rental unit for the purpose of residential occupation for at least one year.
11. As noted above, section 48 of the Act requires that the intended person use the unit for "residential occupation." The Landlord clearly stated that she wished to use the basement apartment as a private office for her business which is contrary to section 48 of the Act. She has no intention of residing in the Tenant's unit and wishes to use it for a non-residential use.
12. Based on the Landlord's evidence, this application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

June 3, 2026
Date Issued

Carrie Bertrand
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.