



Order under Section 69 Residential Tenancies Act, 2006

Citation: Mail v Boddis, 2026 ONLTB 43025

Date: 2026-06-08

File Number: LTB-L-017951-26

In the matter of: 50 TOWER DR
SCARBOROUGH ON M1R3N9

Between: Noor Mail Landlord

And

Danielle Boddis Tenant

Noor Mail (the 'Landlord') applied for an order to terminate the tenancy and evict Danielle Boddis (the 'Tenant') because:

- the Landlord requires possession of the rental unit in order to demolish the unit.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on May 28, 2026.

The Landlord's Legal Representative, James Hill, the Tenant's Legal Representative, Victoria Wan and the Tenant attended the hearing.

Preliminary Issues:

1. Mr. Hill requested that this matter be adjourned to allow his client more time to arrange for the demolition permit as the Landlord is not yet in possession of the permit. Mr. Hill submitted that this process is a very long and detailed application and that the Landlord has been working on this since December of 2025. He further stated that the process is controlled by the City and that the Landlord has no control over how quickly a permit can be issued.
2. Ms. Wan requested that the matter be heard today. She stated that both parties have representatives ready to present their sides today and that this is the first time that she has been notified of an adjournment request. Ms. Wan submitted that the N13 notice was given to the Tenant on February 25, 2026 which allowed the Landlord 3 months to apply for the demolition permit from the Municipality.

3. I am not satisfied that an adjournment is necessary due to the fact that the Landlord has had 3 months to prepare for, apply for and obtain a necessary permit from the Municipality.
4. As I was concerned that the Landlord did not have a demolition permit, I allowed him an opportunity to provide oral evidence and call evidence from his architectural technologist so that I could determine the issue.

Determinations:

Evidence of the Landlord, Noor Mail

5. The Landlord provided a copy of his initial payment to an architectural technologist on December 2, 2025, he provided a receipt dated May 14, 2026 from the Municipality for the Initial Demolition Fee of \$214.79 and he provided a receipt dated May 14, 2026 from the Municipality for the Initial Building Permit Fee of \$5,175.73.
6. The Landlord testified that he has been working on this project since December of 2025 and that he had to arrange for minor zoning changes for the new house based on the City's objections to the plan. He stated that his engineers resubmitted the minor changes as required by the Municipality and after the changes were approved by the Municipality, the permits were applied for. The Landlord stated that both permits were applied for on May 14, 2026 and he was not sure if there had been previous permit applications.

Evidence of Peter Januczik

7. Peter Januczik, the architectural technologist who was hired by the Landlord, confirmed that he was hired for this project in December of 2025 and that his firm prepared the applications for the building permit and the demolition permit. He also stated that he had been corresponding with the zoning department regarding their objections to the plans for the project.
8. Mr. Januczik explained that he expected that the building permit for the new house would be issued within two weeks and that the demolition permit is usually issued shortly after that.
9. In cross-examination, Mr. Januczik confirmed that there were no previous building permit applications and that the applications were filed on May 14, 2026.

Analysis and Application of the Law

10. Subsection 73(1)(b) of the Act states that the Board shall not terminate a tenancy unless the landlord has obtained in advance all necessary permits or other authority that may be required to carry out the activity on which the notice of termination was based, or the landlord has taken all reasonable steps to obtain all necessary permits or other authority if it is not possible to obtain the permits.
11. The only evidence that the Landlord provided regarding this demolition application was a receipt from the Municipality dated May 14, 2026 for the initial demolition fee. The receipt

notes "This is not a Permit. Do not construct until a permit is issued. You will be notified when your permit is ready."

12. The Landlord provided no email communications between the municipality and himself regarding any preparation work that was apparently being completed prior to the application of the permit. The evidence provided by the Landlord simply confirmed that both the building permit for the new house and the demolition permit were applied for on May 14, 2026. Although the Landlord served the N13 notice of termination to the Tenant on February 25, 2026, the permit was not applied for until almost 3 months after the date of service.
13. I find that the Landlord has failed to obtain, or to take any reasonable steps to obtain the proper permits in respect of the N13 Notice prior to the hearing. On that basis, I am not satisfied on the balance of probabilities that the Landlord has complied with section 73 of the Act and obtained the appropriate permit in accordance with the N13 Notice. As a result, the Board does not have the authority to terminate the tenancy.
14. For this reason, the application must fail.

It is ordered that:

1. The Landlord's application is dismissed.

June 8, 2026
Date Issued

Carrie Bertrand
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.