



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-019826-26

In the matter of: Upper 2, 250 Vidal Street South
Sarnia Ontario N7T2T7

Between: James N Smith Landlord

And

Joseph Morrisette Tenant

James N Smith (the 'Landlord') applied for an order to terminate the tenancy and evict Joseph Morrisette (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 June 1, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. The Tenant brought up a preliminary issue and explained that he had not received the required compensation under the *Residential Tenancies Act*, 2006 (hereinafter referred to as the "Act").
2. The Landlord stated that he did not pay any compensation to the Tenant because the Tenant failed to vacate the rental unit. He understood that the compensation was payable after the Tenant left.
3. Section 48.1 of the Act states "A landlord shall compensate a tenant in an amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant if the landlord gives the tenant a notice of termination of the tenancy under section 48 of the Act."
4. Further, the N12 notice of termination sets out on page 2 that the landlord must pay an amount equal to one month's rent by the termination date in the notice.

5. As the Landlord has failed to comply with the mandatory requirement of the payment of compensation to the Tenant, this application must fail.

It is ordered that:

1. The Landlord's application is dismissed.

June 10, 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.