



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-022854-26

In the matter of: 43 HURON ST Lower
BRANTFORD ON N3S2J5

Between: Greg Vandertuin Landlord

And

Kaitlynn Robinson Tenant

Greg Vandertuin (the 'Landlord') applied for an order to terminate the tenancy and evict Kaitlynn Robinson (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.

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 June 1, 2026.

The Landlord and the Tenant attended the hearing.

Preliminary Issue:

1. I brought up a preliminary issue as I noted that the Landlord's application set out that he paid the required compensation to the Tenant on May 15, 2025. I noted that the Landlord included a previous N12 application that was served to the Tenant on January 1, 2026. I asked the Landlord to explain why he was relying on compensation that was apparently paid a year ago.
2. The Landlord stated that he served other N12 notices in 2025 to the Tenant and that he paid the compensation to the Tenant in one of those cases but he could not clarify which file. Upon review, it was noted that LTB-L-037777-25 was dismissed by the Board on July 31, 2025 because the N12 notice did not include a termination date. A further file, LTB-L-062325-25 was dismissed as abandoned by the Board on November 26, 2025.
3. When the Landlord was asked if he spoke to the Tenant about relying on this previous compensation amount, he stated that he did not discuss the issue at all because he knew that he paid her a year ago.

4. The Tenant confirmed that the Landlord had not explained that he was relying on a previous compensation payment from another file. She stated that she has been given 3 N12 notices from the Landlord and she was not aware if the Landlord was required to pay compensation for this application.
5. The Landlord has served 3 different N12 notices on the Tenant and he claims that he paid compensation to her approximately one year ago. He could not remember which application this related to and he did not advise the Tenant that he planned on relying on a previous compensation payment. Based on the above, I am not satisfied that the Landlord has provided compensation to the Tenant.
6. Section 48.1 of the *Residential Tenancies Act*, 2006 (hereinafter referred to as 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.
7. 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 9, 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.