



Order under Section 69 Residential Tenancies Act, 2006

Citation: Lopes Brother Contracting Ltd. v Dublow, 2026 ONLTB 45047

Date: 2026-06-17

File Number: LTB-L-027435-26

In the matter of: 621C THE QUEENSWAY
ETOBICOKE ON M8Y1K4

JUN 17, 2026

Between: Lopes Brother Contracting Ltd.

Landlord

And

David Dublow
Gracia Comeau

Tenants

Lopes Brother Contracting Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict David Dublow and Gracia Comeau (the 'Tenants') 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 4, 2026.

The Landlord, the Landlord's Legal Representative, Jimmy Gangadin and the Tenants' Legal Representative, Samuel Mason, attended the hearing.

Determinations:

1. For the reasons set out below, the Landlord's application is dismissed.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. The Landlord's application is based on an N12 notice of termination ('N12 notice') deemed served on the Tenants January 20, 2026, with a termination date of March 31, 2026. The Landlord claims they require vacant possession of the rental unit for residential occupation by the Landlord's child for a period of at least one year.
4. As a preliminary issue, the Tenants' Legal Representative raised a concern with respect to the named Landlord on the N12 notice and the application. Both the N12 notice and the application list Lopes Brother Contracting as the Landlord.

5. There is no dispute that the Landlord is a registered corporation in Ontario.
6. The Tenants' Legal Representative asked for the application to be dismissed pursuant to section 48(5) of the *Residential Tenancies Act, 2006* (the 'Act'), which prohibits an N12 notice being issued by a landlord that is a corporation.
7. Section 48(5) of the *Residential Tenancies Act, 2006* (the 'Act') says:

This section does not authorize a landlord to give a notice of termination of a tenancy with respect to a rental unit unless,

 - (a) the rental unit is owned in whole or in part by an individual; and
 - (b) the landlord is an individual.
8. The intent of the legislation is clear. The Act only allows for an individual to serve an N12 notice. I also note the definition of individual in section 87 of the *Legislation Act, 2006*, which states that in every Ontario Act and regulation, "individual" means a natural person.
9. The Landlord opposed the Tenants' position and argued that there is only one director of the corporation, so a singular mind is directing the corporation. The Landlord relied on the Ontario Court of Appeal decision in the case of [*Slapsys \(1406393 Ontario Inc.\) v. Abrams, 2010 ONCA 676 \(CanLII\)*](#) that found a tenancy can be terminated for the personal use of a sole shareholder of the corporate owner of a rental premises.
10. The Tenants' Legal Representative submitted Divisional Court case law in support of their argument. In [*Lokhouse Ltd. v. Ewing, 2024 ONSC 6789 \(CanLII\)*](#), the court upheld the findings of Landlord and Tenant Board (the 'LTB' or the 'Board') in the context of a bad faith application that closely-held corporations are subject to section 48(5).
11. The Tenants' Legal Representative argued the case law presented by the Landlord is from 2010 and was decided prior to section 48(5) of the Act coming into force. and as a result, the *Slapsys* case no longer applies. I agree.
12. The Landlord asked for the hearing to be adjourned because the Tenants' Legal Representative was effectively ambushing the Landlord by not having given prior notice of the preliminary issue. In response, the Tenants' Legal Representative countered that they were not obligated to give the applicant prior notice of deficiencies in their application. In my view, an adjournment was not necessary in the circumstances.
13. The Landlord had filed their case law in the Tribunals Ontario Portal ('TOP') prior to the hearing, which indicates to me they had anticipated the issue. I find there was no ambush or lack of procedural fairness.
14. Based on the above, I find that the Landlord is a corporation and not an individual. As such the Landlord was prohibited from issuing an N12 notice. The Landlord's application must be dismissed, as it fails to comply with section 48 of the Act.

It is ordered that:

1. The Landlord's application is dismissed.

June 17, 2026
Date Issued

Heather Woodside
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.