



Order under Section 57 Residential Tenancies Act, 2006

File Number: LTB-T-103385-25

In the matter of: 40 Walnut Street
St. Catharines ON L2T1H5

Between: Matthew Golin Tenant

And

Natasha Varjacic Landlord

Matthew Golin (the 'Tenant') applied for an order determining that Natasha Varjacic (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on June 15, 2026.

The Landlord and the Tenant attended the hearing. The Landlord's witnesses Roy Varjacic, Deborah Wall and Yvette Duff also attended the hearing. There was an order excluding witnesses.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. The Landlord delivered an N12 Notice to the Tenant which indicated that her father, Roy Varjacic (Roy), intended to occupy the rental unit which is one of 3 units in a modest home. The rental unit is located at the rear of the building facing the parking lot.
3. An Order was made by the LTB on May 15, 2025 terminating the tenancy based on the N12 and the Landlord's L2 application. The Tenant moved out of the rental unit on July 26, 2025.
4. The Tenant was suspicious of Roy's intention to occupy the unit and believes that the N12 was served in retaliation for his commencement of a T2 application against the Landlord.
5. The Tenant's suspicion was heightened because of a telephone call with Roy, which he recorded (DOC 6967382), in which Roy advised the Tenant that he was Barbados working and that he was "a hobo" with no fixed address. He told the Tenant that he would be using the rental unit only as a place to collect mail and that he "moves around depending on where the women are." He stated, "I live in Barbados most of the time." He stated that he

comes to Toronto occasionally and would be at the unit approximately 1 week out of 2 months every year. Naturally, the Tenant was concerned and suspicious of the Landlord's good faith intention to have her father occupy the unit.

6. The Tenant saw Roy on July 26, 2025 when he handed over the keys. The Tenant attended the rental property on 2 occasions in 2025 and on 3 occasions in 2026 and did not see Roy.
7. The Landlord testified that her father is a delusional narcissist. Her parents are divorced and she, her sisters and her mother support her father. The Landlord testified that her father has an undiagnosed mental illness. She testified that her father does not spend lengthy periods of time in Barbados and produced a record of his out of country travel from the federal government (DOC 8101175) which shows that Roy has only been out of the country for 3 times during the period January 1, 2023 to April 13, 2026 each time for the period of one week.
8. The Landlord testified that her father "works" as a volunteer on community land in Stoney Creek.
9. Deborah Wall, a former tenant in the residential complex, testified that she moved out in May of 2026. She stated that during the period July 2025 to the date on which she moved out she saw Roy at the complex 3 or 4 times per week and saw his car, a tan SUV, in the parking lot daily.
10. Yvette Duff, a current tenant and resident since 2019 also confirmed that Roy is living in the Tenant's unit.
11. The Tenant did not cross-examine either Ms. Wall or Ms. Duff but observed that they are the reason he filed a T2 and that he believes they are biased against him.
12. Finally, Roy himself testified. He stated that he has been living in the unit since shortly after the keys were given to him by the Tenant. He stated that he did not immediately move in as the unit was in deplorable condition. He stated "you lived like a rat or a homeless person." Roy speculated that the Tenant had not seen him when the Tenant attended the property because he has an erratic work schedule.
13. Subsection 57(1)(a) of the *Residential Tenancies Act, 2006* (the 'Act') requires the Tenant to prove each of the following on a balance of probabilities:
 - The Landlord gave the Tenant an N12 notice of termination under section 48 of the Act;
 - The Tenant vacated the rental unit as a result of the N12 notice of termination;
 - No person referred to in subsection 48(1) of the Act occupied the rental unit within a reasonable time after the Tenant vacated; and
 - The Landlord served the N12 notice of termination in bad faith.
14. The Tenant did not prove that Roy, the intended occupant of the rental unit, failed to move in. To the contrary, the Landlord established that her father does occupy and has done so since the Tenant's departure.
15. The Tenant has failed to establish bad faith by the Landlord in delivering the N12 Notice.

It is ordered that:

1. The Tenant's application is dismissed, and the LTB file is closed.

June 24, 2026
Date Issued

Christina Budweth
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.