



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-028494-26

In the matter of: BASEMENT, 23 BOTTLEBRUSH DRIVE
BRAMPTON ONTARIO L6R2Z5

Between: Amer Pall Landlord

And

Carmel Rumbolt Tenant

Amer Pall (the 'Landlord') applied for an order to terminate the tenancy and evict Carmel Rumbolt (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 May 27, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.

N12 Notice of Termination

3. On January 6, 2026, the Landlord served the Tenant an N12 notice of termination with the termination date of March 31, 2026. The Landlord claims they require vacant possession of the rental unit for his father's permanent residential occupation.
4. The Landlord filed a sworn declaration indicating he intends to have his father move into the rental unit for residential purposes for a period of at least one year. At the hearing he affirmed his declaration was and is still true and testified this will be his father's permanent residence.

5. Pursuant to s.72(1) of the *Residential Tenancies Act, 2006* (the 'Act'), the Landlord is required to file an affidavit sworn by the person who personally requires the rental unit.

72(1) The Board shall not make an order terminating a tenancy and evicting the tenant in an application under section 69 based on,

(a) a notice of termination given under section 48 on or after the day section 13 of the *Rental Fairness Act, 2017* comes into force, unless the landlord has filed with the Board an affidavit sworn by the person who personally requires the rental unit certifying that the person in good faith requires the rental unit for his or her own personal use for a period of at least one year.

6. The Landlord's father is elderly and 95 years old. The Landlord testified that his father currently lives with his brother, but due to his father's health care needs, the Landlord is in a position to take care of his father on a full-time basis; moreover, the space in the rental unit will adequately suit his father's needs as opposed to where his father is living now.
7. The Tenant testified that the application was improper as the Landlord did not personally list his father's name in the application. It should be noted that for the N12 Notice, the Landlord is only required to identify who intends to reside in the rental unit in general terms to ensure that they fall within the categories of individuals who are permitted occupancy under s. 48, even with the Landlord being expected to file an affidavit sworn by that person including their name.
8. When a landlord serves an N12 Notice a landlord's or eligible related person's motivations, or desire to move into the rental unit for twelve months need not be reasonable and are largely irrelevant - what is required is that the landlord or eligible related person genuinely intends to live in the property. Nonetheless, the conduct and motives of the landlord may be considered as part of the good faith analysis. [*Fava v. Harrison*, 2014 ONSC 3352 (CanLII) at para. 17, citing *Salter v Balijinac*, 2001 CanLII 40231 (ON SCDC)].
9. Despite the Landlord's evidence, the fact remains that s.72(1) of the Act was not complied with. The Board cannot issue an order terminating a tenancy unless the Landlord has filed the required affidavit sworn by the person who personally requires the unit, and not just with the Landlord filing their own affidavit stating that his father is moving in.
10. In addition, the Board has the authority to extend the deadline of affidavits in accordance with s. 190(2) of the Act, which states:

190(2) The Board may extend or shorten the time requirements with respect to any matter in its proceedings, other than the prescribed time requirements, in accordance with the Rules.

11. In this case, the affidavit from the person who will be moving into the rental unit was not served or filed from the date the Landlord filed the matter to be heard by the Board to the hearing. Accordingly, under s.190(2), I will not extend the deadline for filing the affidavit.
12. Based on the totality of the evidence before me, I find the Landlord has not complied with a necessary requirement for this application as there is no affidavit sworn by the person

requiring the rental unit. As such, there cannot be an eviction order. Therefore, the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

June 23, 2026
Date Issued

Amit Gurpersaud
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.