



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-013933-26

In the matter of: 4, 63 JACKMAN RD
BOWMANVILLE ON L1C 2E2

Between: Gulnabi Stuca Landlord

and

John Michael Deary Tenant

Gulnabi Stuca (the 'Landlord') applied for an order to terminate the tenancy and evict John Michael Deary (the 'Tenant') because the Landlord requires possession of the rental unit in order to demolish the unit.

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 April 16, 2026.

The Landlord's representative, Brittney-Rose Ward, and the Landlord's brother, Zaibullah Ghurwal, and the Tenant with his wife, Nicole Sudsbury, 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 in the application. Therefore, the application is dismissed.

N13 Notice of Termination- Demolition

2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On November 29, 2025, the Landlord gave the Tenant an N13 notice with a termination date of March 31, 2026. The Landlord claims vacant possession of the rental unit is required for demolition.
4. The residential complex contains at least five residential units and the demolition was not ordered to be carried out under the authority of any other Act. Therefore, the Landlord is required to compensate the Tenant in an amount equal to three months' rent by the termination date or offer the Tenant another rental unit acceptable to the Tenant. The Tenant acknowledged at the hearing that compensation equal to three months was paid by

the Landlord prior to the termination date set out on the N13. However, the Tenant indicated that he did not accept the email transfer because he believed that it would constitute an agreement to terminate the tenancy.

5. The Landlord's brother, Zaibullah Ghurwal, testified that the residential complex is a six-unit multiplex, it was purchased in April 2025. Although the Landlord is the registered owner of the property, the purchase was funded and intended to benefit the Landlord and his 3 brothers and their families. Mr. Ghurwal testified, "we are four brothers" and "we bought it" because "we wanted a property large enough for the extended family to live together."
6. Mr. Ghurwal referred to architect drawings showing the building being transformed from multiplex into a single family dwelling. He testified that the proposed work includes removing walls and fire separations between the existing units and creating access throughout the building so that it functions as one residence. He also referred to a screenshot which shows that an application for a building permit was requested for a change of use from a multiplex into a single unit dwelling on April 6, 2026.
7. Mr. Ghurwal testified that the application remained under review by the municipality and no permits have been issued yet. He stated that the work cannot begin until approvals are obtained.
8. The Tenant testified that he believes the Application was brought in bad faith because the Landlord previously served an N12 notices seeking possession for residential occupation and in the Tenant's view, there was little evidence of an intention to undertake demolition or renovation work until shortly before the hearing.

Analysis and Reasons

9. Subsection 73(1) of the *Residential Tenancies Act, 2006* (the 'Act') provides that the Board cannot issue an eviction order unless the Landlord has obtained all necessary permits and permissions by the hearing date. The only exception to that requirement is if it is not possible for a Landlord to obtain a permit until the unit is vacant.

Demolition, conversion, repairs

73 (1) The Board shall not make an order terminating a tenancy and evicting the tenant in an application under section 69 based on a notice of termination under section 50 unless it is satisfied that,

(a) the landlord intends in good faith to carry out the activity on which the notice of termination was based; and

(b) the landlord has,

(i) obtained all necessary permits or other authority that may be required to carry out the activity on which the notice of termination was based, or

(ii) has taken all reasonable steps to obtain all necessary permits or other authority that may be required to carry out the activity on which the notice of

termination was based, if it is not possible to obtain the permits or other authority until the rental unit is vacant.

10. In this case I am not satisfied that the Landlord has obtained the necessary permits that are required to carry out the proposed work as required by subsection 73(1)(b)(i) of the Act. The Landlord acknowledged that the permits required for the work have yet to be issued.
11. The evidence does not establish that the unit must be vacant before the required permits will be issued by the municipality. Therefore, the exception to the requirement that the Landlord must already have all of the required permits contained in subsection 73(1)(b)(ii) of the Act does not apply.
12. Even if the permits cannot be issued until the Tenants vacate I would still find that the Landlord has not complied with subsection 73(1). That is because I am not satisfied that the Landlord took all “all reasonable steps” before the hearing to obtain the permits. The Landlord’s evidence was that an application for a change of use from multiplex into single-unit dwelling was not submitted until April 6, 2026, four months after service of the N13 notice and after the termination date set out on the notice. The Landlord did not provide a satisfactory explanation for why the approval process was not commenced before the N13 notice was served or during the four months that followed. Accordingly, I am not satisfied that the Landlord has established that all reasonable steps were taken to obtain the necessary permits or approvals before seeking termination of the tenancy.
13. The Landlord’s assertion that the application will likely be approved at some point in the future does not satisfy the requirements of subsection 73(1) of the Act. Without the required permits, I find that the Landlord’s application is premature and is therefore dismissed.

It is ordered that:

1. The Landlord’s application is dismissed.
2. If any compensation was paid to the Tenant with respect to this application, it shall be returned to the Landlord on June 30, 2026.
3. If the Tenant does not pay the Landlord the full amount owing on or before June 30, 2026, the Tenant will start to owe interest. This will be simple interest calculated from July 1, 2026 at 4.00% annually on the balance outstanding.

June 22, 2026
Date Issued

Adeela Alvez
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.