



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-015341-26

In the matter of: 3, 412 PRINCE RD
WINDSOR ON N9C 2Y8

Between: Hubert Gabriel Landlord

and

Jessica Caron Tenant

Hubert Gabriel (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Caron (the 'Tenant') because the Landlord requires possession of the rental unit in order to convert the unit to a non-residential use.

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 and his representative, Lauren Piroli, and the Tenant and her representative Tori-Lee Jenkins, and her support person, Emma Girard, 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 - Conversion

2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The parties have a month to month tenancy, and the rent is due on the first day of each month. On February 10, 2026, the Landlord gave the Tenant an N13 notice of termination with the termination date of June 30, 2026.
4. The residential complex contains fewer than five residential units. Therefore, the Landlord is required to compensate the Tenant in an amount equal to one month rent by the termination date or offer the Tenant another rental unit acceptable to the Tenant. The Landlord paid the Tenant the required compensation on April 7, 2026.

5. The Landlord testified that in June 2024, the City of Windsor inspected the residential complex and as part of a rental licensing process issued an order to repair. The order to repair identified the Tenant's unit as an unauthorized fourth residential unit and required the Landlord to bring the property into compliance. The Landlord was provided with three options and he choose the option to remove all features that create habitable space and to convert the unit into a storage unit.
6. The Landlord testified that once vacant possession is obtained, he intends to hire an engineer and obtain drawings in order to move forward with the conversion process. The Landlord further testified that he was informed by the City that engineering drawings were required before the permit application could proceed.
7. The Landlord also testified that the property had been listed for sale and that discussion with prospective purchasers were ongoing. The Landlord stated that he delayed obtaining the required drawings because of the associated cost and because he hoped that the property would be sold.

Analysis and Reasons

8. Subsection 73 (1) of the *Residential Tenancies Act, 2006* (the 'Act') provides that the Board cannot issue an eviction order on the ground that the Landlord intends to convert a rental unit to non-residential use 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.

9. The Landlord acknowledged that, as of the hearing date, he had not hired an engineer, had not obtained the required engineering drawings, had not secured a building permit, had not commenced any work necessary to complete the proposed conversion.
10. I am not satisfied that the Landlord has obtained the necessary permits that are required to convert the unit to non-residential usage. The Landlord's evidence establishes that such

permits are required for the proposed work. While the Landlord has stated an intention to pursue the approvals necessary for the proposed conversion at some point in the future, that is not sufficient to satisfy subsection 73(1) of the Act. I also find that the Landlord could have taken additional steps to obtain the required approvals while the Tenant remained in possession of the rental unit. The evidence does not establish that the unit was required to be vacant before the required permits will be issued by the municipality.

11. Essentially, the Landlord is asking the Board to terminate a tenancy on an application for change of use that has not been approved. Although the Landlord submits that the Board should be satisfied, on a balance of probabilities, that the application will be approved, I disagree. The Landlord's unsupported assertion that the application will likely be approved at some point in the future once submitted to the municipality, that 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. The Tenant is to return to the Landlord any compensation payment provided to her with respect to this application on or before 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.