



Order under Section 57 Residential Tenancies Act, 2006

Citation: McGuin v Torkopoulos, 2026 ONLTB 49109

Date: 2026-06-25

File Number: LTB-T-020088-26

In the matter of: 13288 HWY 540
Gore Bay ON P0P1H0

Between: Theresa Dawn McGuin Tenant

And

Stacy Torkopoulos Landlord

Theresa Dawn McGuin (the 'Tenant') applied for an order determining that Stacy Torkopoulos (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on June 18, 2026.

The Landlord and the Tenant attended the hearing.

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. 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.
3. The rental unit is a four-bedroom farmhouse. The monthly rent was \$1,307.22. The Tenant vacated the rental unit on August 31, 2025.
4. There is no dispute that the Landlord served the Tenant with an N12 notice of termination under section 48 of the Act. In the N12 notice, the Landlord stated that she required vacant

possession of the rental unit for her own residential occupation. The Tenant vacated the rental unit in response to the N12 notice.

Did the Landlord Occupy the Rental Unit After the Tenant Vacated?

5. At the hearing, the Tenant provided no direct evidence that the Landlord failed to occupy the rental unit after the Tenant vacated. The Tenant stated that she believed the Landlord moved into the rental unit after the Tenant moved out.
6. The Landlord testified that, after the Tenant and the Tenant's family vacated the rental unit, she moved into the rental unit on September 25, 2025. The Landlord testified that she has continued to reside in the rental unit since that date and was still living there as of the hearing date.
7. The Landlord testified that she relocated from a location approximately six hours away. She testified that she resigned from her previous employment before moving and relied on a resignation letter dated July 2, 2025, as evidence of her intention to relocate and occupy the rental unit.
8. The Landlord also testified that she incurred moving expenses and provided moving records, including a U-Haul receipt, to support her evidence that she moved into the rental unit. She further testified that she changed her driver's licence, Canada Post address, utility accounts, car insurance, and house insurance to reflect her residence at the rental unit.
9. Based on the evidence before me, I find, on a balance of probabilities, that the Landlord occupied the rental unit within a reasonable time after the Tenant vacated and continued to reside in the rental unit as of the hearing date.
10. As a result, the Tenant has not proven one of the required elements under subsection 57(1)(a) of the Act. Specifically, the Tenant has not proven that no person referred to in subsection 48(1) of the Act occupied the rental unit within a reasonable time after the Tenant vacated. Accordingly, the application must be dismissed.
11. This order contains all of the reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The Tenant's application is dismissed.

June 25, 2026
Date Issued

Joy Xiao
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.