



Order under Section 69 Residential Tenancies Act, 2006

Citation: Song v Delaire, 2026 ONLTB 51185

Date: 2026-06-30

File Number: LTB-L-029054-26

In the matter of: Basement, 13 Kent Street
Ajax ON L1S1X3

Between: Fie Young Song Landlord

And

Leo Delaire Tenants
Sam Delaire

Fie Young Song (the 'Landlord') applied for an order to terminate the tenancy and evict Leo Delaire and Sam Delaire (the 'Tenants') 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 June 24, 2026.

The Landlord's Agent, Do Yun Kim and the Tenants attended the hearing.

Preliminary Issue:

1. I brought up a preliminary issue regarding the fact that there was no declaration/affidavit from the in-home care person who personally requires the rental unit. There was a declaration from the Landlord stating that he requires the basement unit to be vacant so that he can invite an in-home care provider from overseas to assist him with his Alzheimer's disease. He stated that he is not able to hire an overseas worker unless the unit is vacant and that is why he must evict the tenant.
2. This application is based on section 48(1)(d) of the *Residential Tenancies Act*, 2006 (hereinafter referred to as the "Act") which states that "A landlord may, by notice, terminate a tenancy if the landlord in good faith requires possession of the rental unit for the purpose of residential occupation for a period of at least one year by d) a person who provides or will provide care services to the landlord, the landlord's spouse or a child or parent of the landlord or the landlord's spouse, if the person receiving the care services resides or will

reside in the building, related group of buildings, mobile home park or land lease community in which the rental unit is located.”

3. Further, section 72(1) of the Act states “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.”
4. The Landlord did not provide an affidavit from the care person who will be moving into the basement unit of the rental house.
5. Do Yun Kim advised me that he is a long-time friend of the Landlord’s and provided written permission to act as his agent today. Mr. Kim advised that he has no ownership of the rental unit. He stated that Mr. Song struggles with the English language and he suffers from Alzheimer’s disease. Mr. Kim stated that Mr. Song drafted this declaration on his own and he attempted to clarify that the Landlord requires the basement unit for himself so that he can sleep there. He stated that the Landlord does not get enough sleep, he cannot have sunlight on his eyes and he wants to renovate the basement to soundproof it and keep all sunlight out. Mr. Kim confirmed that the Landlord resides in the main floor of the rental unit.
6. Mr. Kim stated that the Landlord would not be appearing today and he hoped that I would rely on his own clarifying statements regarding the Landlord’s use of the basement unit.
7. The Tenants only response was that they confirmed that the Landlord struggles with understanding English.
8. The only declaration provided is the Landlord’s declaration which states that “it is legally required for me to have an empty unit prior to invite a staying home care person from overseas, so I have to let go of the tenant before inviting a care provider.” Based on this declaration, I require an affidavit sworn by the care person who personally requires the rental unit certifying that they in good faith require that rental unit. This is a mandatory requirement under section 72(1) of the Act and as the Landlord has failed to comply with section 72(1) of the Act, the application must fail.

It is ordered that:

1. The Landlord’s application is dismissed.

June 30, 2026
Date Issued

Carrie Bertrand
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.