



**Order under Section 69  
Residential Tenancies Act, 2006**

**Citation:** Jones v Boudreau, 2024 ONLTB 4829

**Date:** 2024-01-31

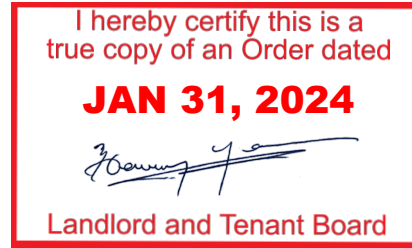
**File Number:** LTB-L-049596-22

**In the matter of:** Main, 644 CENTRAL PARK BLVD N  
OSHAWA ON L1G6A6

**Between:** Stephen Jones  
Linda Jones

**And**

Robyn Boudreau



Landlord

Tenant

Stephen Jones and Linda Jones (the 'Landlord') applied for an order to terminate the tenancy and evict Robyn Boudreau (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 November 28, 2023.

Only the one of the Landlord and the Landlord's Legal Representative, Elaine Page, attended the hearing.

As of 10:00AM, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

**Determinations:**

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy.
2. The Tenant was in possession of the rental unit on the date the application was filed.

The L2 application

3. On August 25, 2022, the Landlord gave the Tenant an N12 notice of termination with the termination date of October 31, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation for themselves.
4. The N12 Notice has provided the required 60-day notice period. The N12 identifies the Tenant, Landlord and rental unit. I find that the N12 Notice meets the necessary legal requirements.

5. At the hearing, the Landlord testified that she had sold her house on September 29, 2022. After the closing, the Landlord stayed with friends. The Landlord bought a cottage in Haliburton, in October or November 2022. Since then, the Landlord has been staying at their cottage.
6. The Landlord testified that the rental unit is a bungalow with two units in it. The Landlord served Notice on the Tenant as they reside in the larger unit. The rental unit was purchased in 2014.
7. The Landlord bought the bungalow as it was their intention to retire full time to the bungalow. The Landlords' doctors and family are in the Oshawa area and the Landlord would like to be closer to them.
8. Based on the declaration filed by the Landlord, corroborated by the oral testimony at hearing, I find that the Landlord in good faith requires possession of the rental unit for the purpose residential occupation for a period of at least one year.
9. The Landlord has compensated the Tenant an amount equal to one month's rent. At the Tenant's request, the Landlord waived one month's rent on July 22, 2022. I find the Landlord met their obligation under the Act to provide the Tenant with one month's compensation.
10. On the balance of probabilities, I find that the Landlord has met the legal test in subsection 48(1).
11. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of February 11, 2024. The Tenant must move out of the rental unit on or before February 12, 2024.
2. If the unit is not vacated on or before February 11, 2024 then starting February 12, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after February 12, 2024

**January 31, 2024**  
**Date Issued**

  
\_\_\_\_\_  
Henry Yeung  
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on July 29, 2024 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.