



Order under Section 135  
**Residential Tenancies Act, 2006**

**File Number:** SOT-13132-20

**In the matter of:** 2, 1925 KING ST E  
HAMILTON ON L8K1V9

**Between:** Angela Godden Tenant  
  
**and**  
  
Liberty For Youth Landlords  
Rosa Mccarthy

Angela Godden (the 'Tenant') applied for an order determining that Rosa Mccarthy and Liberty For Youth (the 'Landlords') have collected or retained money illegally.

This application was heard by videoconference on October 6, 2021.

The Tenant and the Landlords attended the hearing.

**Determinations:**

1. For the reasons that follow, I find the Landlords did not fail to pay the Tenant compensation for termination of the tenancy due to conversion of the rental unit, as required by the *Residential Tenancies Act, 2006* (the 'Act').
2. The Tenant was served a N13 notice of termination for conversion of the rental unit to non-residential use. The termination date on the notice was December 31, 2019.
3. The Tenant vacated pursuant to the N13 notice on December 1, 2019.
4. The residential complex contained two rental units.
5. Section 52 of the *Residential Tenancies Act, 2006* (the 'Act' says:

**Compensation, demolition or conversion**

**52** (1) A landlord shall compensate a tenant in an amount equal to three months rent or offer the tenant another rental unit acceptable to the tenant if,

- (a) the tenant receives notice of termination of the tenancy for the purposes of demolition or conversion to non-residential use;
- (b) the residential complex in which the rental unit is located contains at least five residential units; and

(c) in the case of a demolition, it was not ordered to be carried out under the authority of any other Act.

**Same, fewer than five residential units**

(2) A landlord shall compensate a tenant in an amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant if,

(a) the tenant receives notice of termination of the tenancy for the purposes of demolition or conversion to non-residential use;

(b) the notice of termination is given on or after the day the *Protecting Tenants and Strengthening Community Housing Act, 2020* receives Royal Assent;

(c) the residential complex in which the rental unit is located contains fewer than five residential units; and

(d) in the case of a demolition, it was not ordered to be carried out under the authority of any other Act.

6. Here, the residential complex contained two rental units, therefore pursuant to section 52(1)(b) of the Act, the Landlord is not required to compensate the Tenant.

7. Section 52(2) of the Act is not applicable here as the notice of termination was served in 2019, and the *Strengthening Community Housing Act, 2020* did not come into effect until September 1, 2021.

**It is ordered that:**

1. The Tenant's application is dismissed.

**October 12, 2021**  
**Date Issued**



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Diane Wade  
Member, Landlord and Tenant Board

Southern-RO  
119 King Street West, 6th Floor  
Hamilton ON L8P4Y7

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.