

Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-79216-18

In the matter of: BASEMENT, 11 RICARDO ROAD
BRAMPTON ON L6P3Z1

Between: Sameer Khan
Wardah Sameerq

and

Ashley Goodfellow



Landlords

Tenant

Sameer Khan and Wardah Sameerq (the 'Landlords') applied for an order to terminate the tenancy and evict Ashley Goodfellow (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes; and determining that the Landlord requires possession of the rental unit for the purpose of residential occupation for his parent. The Landlords also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard in Mississauga on November 1, 2018.

The Landlords and the Tenant attended the hearing.

The Tenant requested an adjournment because her representative was not available which was denied. The Tenant did not inform or try to obtain the Landlords' consent to adjourn the hearing in accordance with Board Rule 12. The Tenant consulted and spoke to Duty Counsel for legal advice.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from July 3, 2018 to November 2, 2018. Because of the arrears, the Landlords served a Notice of Termination effective September 1, 2018.
2. The Landlord did not include September rent charges on the L1 application.
3. The Landlords persuaded me that he in good faith requires possession of the rental unit for the purpose of residential occupation for his parent. An affidavit from the person who intends to occupy the basement was submitted and verifies that she intends to occupy the basement for at least one year. The termination date on the lawful N12 Notice is November 2, 2018.

4. The one month compensation the Landlord owes to the Tenant has been credited to the Tenant's rent arrears in the amount of \$1,100.00 which the Landlord is required to pay the Tenant in accordance with section 48(1) of the Residential Tenancies Act, 2006 (the 'Act').
5. 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. The Tenant requested the Board extend the termination date but there's no last month rent deposit held and rent charges for November 2018 is owed November 3, 2018. It would be prejudicial to the Landlord to extend the termination date. Also, the termination date on the N12 is November 2, 2018 and the Tenant had ample time to find alternate accommodations.

It is ordered that:

1. The tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before November 17, 2018.
2. The Tenant shall pay to the Landlords \$1,286.56*, which represents the amount of rent owing and compensation up to November 6, 2018.
3. The Tenant shall also pay to the Landlords \$36.16 per day for compensation for the use of the unit starting November 7, 2018 to the date the Tenant moves out of the unit.
4. If the Tenant does not pay the Landlords the full amount owing* on or before November 17, 2018, the Tenant will start to owe interest. This will be simple interest calculated from November 18, 2018 at 3.00% annually on the balance outstanding.
5. If the unit is not vacated on or before November 17, 2018, then starting November 18, 2018, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords, on or after November 18, 2018.

November 6, 2018
Date Issued


Sandra Macehione
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

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 expires on May 18, 2019 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.

* Refer to section A on the attached Summary of Calculations.

**Schedule 1
SUMMARY OF CALCULATIONS**

File Number: CEL-79216-18

A. Amount the Tenant must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	July 3, 2018 to September 1, 2018	\$1,100.00
Less the credit for September rent charges		-\$1,100.00
Less one month compensation as per S.48.1 for N12 Notice		-\$1,100.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	September 2, 2018 to November 6, 2018	\$2,386.56
Amount owing to the Landlords on the order date: (total of previous boxes)		\$1,286.56
Plus daily compensation owing for each day of occupation starting November 7, 2018:		\$36.16 (per day)
Total the Tenant must pay the Landlords if the tenancy is terminated:		\$1,286.56, + \$36.16 per day starting November 7, 2018