



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

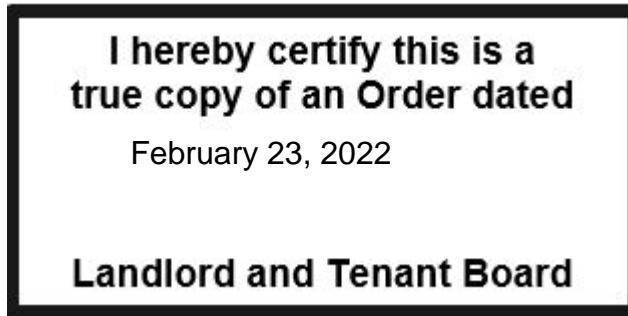
**File Number:** TEL-19792-21

**In the matter of:** 1402, 2365 KENNEDY ROAD  
SCARBOROUGH ON M1T3S6

**Between:** Joshua Onate  
Wei Shiuan Chen

**and**

Richard Gaskin



Landlords

Tenant

Joshua Onate and Wei Shiuan Chen (the 'Landlords') applied for an order to terminate the tenancy and evict Richard Gaskin (the 'Tenant') because the Landlord requires possession of the rental unit for the purpose of residential occupation.

This application was heard via videoconference on January 25, 2022.

The Landlords and the Tenant attended the hearing.

**Determinations:**

1. The Landlords in good faith require possession of the rental unit for the purpose of residential occupation.
2. The Landlord paid the Tenant compensation equal to one month's rent on October 28, 2021.
3. The Landlords served the Tenant with an N12 Notice to terminate the Tenancy because the Landlord Requires the Unit on September 29, 2021 with a termination date of November 30, 2021.
4. At the hearing, the Landlord, J.O. testified that he used to work out of town but since his position has been transitioned to working remotely, he has been staying in his parents' basement while he waits to get vacant possession of his unit.
5. At the hearing the Landlord W. C. testified that she is currently residing in her parents' basement while she waits to move in with her boyfriend J. O.

6. The Tenant testified that he does not question the good faith of the Landlords and he believes they will move into their unit.
7. The Tenant testified that he is simply looking for more time to find a place to live because he often works long hours and doesn't have a lot of time to look for a place.
8. The Landlords provided evidence that they have been sending the Tenant several listings of available units in the area. The Landlords testified that the Tenant would constantly make excuses for why the available units were not acceptable for him.
9. At the hearing, the Landlords said that they would be willing to allow the Tenant until the end of March 2022.
10. I find on a balance of probabilities, that the Landlords in good faith requires possession of the rental unit for the purpose of residential occupancy for a minimum of twelve months.
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 not be unfair to postpone the eviction until March 31, 2022 pursuant to subsection 83(1)(b) of the Act.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenant is terminated, as of March 31, 2022. The Tenant must move out of the rental unit on or before March 31, 2022.
2. If the unit is not vacated on or before March 31, 2022, then starting April 1, 2022, the Landlords 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 Landlords on or after April 1, 2022.

**February 23, 2022**  
**Date Issued**

Toronto East-RO  
2275 Midland Avenue, Unit 2  
Toronto ON M1P3E7



---

Daniel Berube  
Member, Landlord and Tenant Board

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 October 1, 2022 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.