



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

Citation: Nasser v Tracey, 2023 ONLTB 73111

Date: 2023-11-08

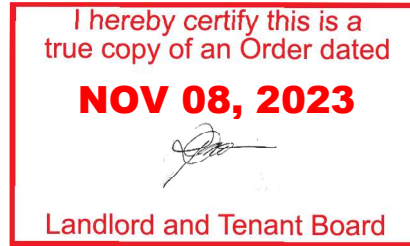
File Number: LTB-L-010346-23

In the matter of: 7676 BLACK WALNUT TRAIL
MISSISSAUGA ON L5N8A6

Between: Jamal Nasser

and

Marlon Tracey
Siale Ibrahim
Dania Ibrahim



Landlord

Tenant

Jamal Nasser (the 'Landlord') applied for an order to terminate the tenancy and evict Marlon Tracey, Siale Ibrahim and Dania Ibrahim (jointly referred to as the 'Tenant' in this Order) 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 October 4, 2023.

The Landlord's Legal Representative, Jaskaran Sandhu, the Landlord, and the tenants, Siale and Dania Ibrahim, on their own behalf and on behalf of the other tenant, attended the hearing. The Tenant spoke with Duty Counsel prior to the start of the proceeding.

The Landlord's father-in-law, Ahmad El-Rifai, the individual who it was indicated intends to move into the rental unit, also attended the hearing and was excluded as a witness from the hearing room until it was time for them to testify.

Determinations:

1. On January 12, 2023, the Landlord mailed the Tenant a N12 Notice of Termination with a date of termination of March 15, 2023.
2. Section 48(2) of the *Residential Tenancies Act, 2006* (the Act) provides:

48(2) The date for termination specified in the notice shall be at least 60 days after the notice is given and shall be the day a period of the tenancy ends or, where the tenancy is for a fixed term, the end of the term.

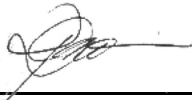
[Underlining added]

3. The Landlord confirmed rent is due on the 15th of each month. There was no evidence the tenancy was for a fixed term and/or that a rental period ended on March 15, 2023.
4. To comply with the statutory requirements under section 48(2) of the Act I therefore find the termination date on the N12 Notice had to be on the 14th of a month.
5. As a result, I find the Landlord's N12 Notice is invalid and the Landlord's application must be dismissed.
6. The Landlord submitted as the Tenant had not yet cashed the one month's compensation they were not requesting an order this be returned.

It is ordered that:

1. The Landlord's application is dismissed.

November 8, 2023
Date Issued



Rebecca Case
Vice Chair, 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.