



Order under Section 69
Residential Tenancies Act, 2006

File Number: TSL-22164-21

In the matter of: 1101, 21 OVERLEA BOULEVARD
TORONTO ON M4H1P2

Between: Hazima Tahir Landlord

and

Aisha Khan Tenant

Hazima Tahir (the 'Landlord') applied for an order to terminate the tenancy and evict Aisha Khan (the 'Tenant') for two reasons. First, the Landlord alleges that the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant. Second, the Landlord alleges that the number of persons living in the unit on a continuing basis is more than permitted by health, safety, or housing standards.

The hearing was held by videoconference on September 21, 2021. The Landlord was not present at the hearing; however, the Landlord's representative, Jessica Donat, attended the hearing. The Tenant also attended the hearing.

Determinations:

1. On May 26, 2021 the Landlord served the Tenant with an N5 Notice of Termination (N5) with a termination date of June 23, 2021. The N5 seeks termination of the tenancy on the grounds of substantial interference and overcrowding in accordance with sections 64 and 67 of the Residential Tenancies Act, 2006 (Act).

Date of the L2 Application

2. The Tenant's N5 remedy period in this matter was from May 27, 2021 to June 2, 2021; however, the Landlord's L2 date of application was May 26, 2021, the same date that the Landlord served the N5 to the Tenant.
3. Section 70 of the Act directs that a landlord may not apply to the Board for an order terminating a tenancy and evicting the tenant based on a notice of termination under section 62, 64 or 67 before the seven-day remedy period specified in the notice expires. For the N5 in this matter, the earliest date the Landlord could have applied to the Board, had the Tenant not voided the N5, would have been June 3, 2021.

4. I find that the Landlord's L2 application for the termination of this tenancy does not comply with section 70 of the Act, and therefore is not valid. As a result, the Landlord's request for the termination of this tenancy cannot be granted.

It is ordered that:

1. The Landlord's application is dismissed.

October 13, 2021

Date Issued



Frank Ebner

Member, Landlord and Tenant Board

Toronto South-RO
15 Grosvenor Street, 1st 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.