



Order under Section 69
Residential Tenancies Act, 2006

File Number: TEL-16564-21

In the matter of: 6 ACRE HEIGHTS CRESCENT
SCARBOROUGH ON M1H2N9

Between: Dinesh Jeganathan Landlord

and

Ali Bashir Abdul-Hafith Tenants
Hala Fadlahmed
Hala Fadlahmed

Dinesh Jeganathan (the 'Landlord') applied for an order to terminate the tenancy and evict Hala Fadlahmed ('HF1'), Hala Fadlahmed ('HF2') and Ali Bashir Abdul-Hafith ('AA', the 'Tenants') because the Landlord requires possession of the rental unit for the purpose of residential occupation.

This application was heard in video conference room 115 on August 17, 2021.

The Landlord, the Landlord's representative, E. Anani, and the Tenant AA attended the hearing.

Determinations:

1. The Landlord's declaration does not comply with the requirements of the *Residential Tenancies Act, 2006* (the 'Act'). Subsection 72(1)(a) of the Act requires that the declaration expressly state that the Landlord will occupy the rental unit for at least one year. I therefore find that an implied statement to that effect, as the Landlord's representative suggested, is inadequate.
2. The Landlord's application shall accordingly be dismissed, without prejudice. The Landlord may serve a new notice of termination.
3. The Landlord paid compensation to the Tenants on or about April 27, 2021. The Tenants shall immediately pay the Landlord back the compensation, pursuant to subsection 73.1(1) of the Act.

It is ordered that:

1. The Landlord's application is dismissed.
2. The Tenants shall immediately pay the Landlord back the amount of compensation the Landlord paid to the Tenants.



October 6, 2021

Date Issued

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

Harry Cho
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.