



Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-10005-21

In the matter of: 226 CRAFTER CRESCENT
STONEY CREEK ON L8J0J1

Between: Nawab Mohammed Abul Khan

Landlord

and

Wajdi Mashaleh

Tenant

Nawab Mohammed Abul Khan (the 'Landlord') applied for an order to terminate the tenancy and evict Wajdi Mashaleh (the 'Tenant') because the Landlord requires possession of the rental unit for the purpose of residential occupation.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard via videoconference on September 1, 2021 at 9:00 a.m.

The Landlord, represented by Rajesh Kumar, a Lawyer, and the Tenant, represented by Kimberly Farrell, a licensed Paralegal, attended the hearing.

Determinations:

1. This is a "N12", a notice to End you Tenancy Because the Landlord, a Purchaser or a Family Member Requires the Rental Unit – L2 Application to End a Tenancy and Evict a Tenant because with a termination date of April 15, 2021
2. The Landlord served the Tenants an N12 Notice of Termination under section 48 of the Act because he wants to move into the rental unit.
3. The Tenant was in possession of the rental unit when the application was filed.
4. The lawful monthly rent is \$2,030.00
5. The rent is due on the 15th day of each month.
6. The N12 notice was served on the Tenant, via email, on March 15, 2021

7. The application is dismissed because the Landlord did not pay the Tenants the compensation required for this application under the *Residential Tenancies Act, 2006* (the "Act").
8. Section 48.1 of the Act states that, "a landlord shall compensate a tenant in the amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant if the landlord gives the tenant a notice of termination of the tenancy under section 48".
9. Section 55.1 of the Act requires that compensation under section 48.1 be paid to the tenant no later than on the termination date specified in the notice of termination. In the present case, the termination date in the N12 Notice of Termination is January 31, 2022.
10. At the hearing the Landlord was unable to confirm that paid the Tenants any compensation under section 48.1. Therefore, I find that the Landlord has not satisfied a statutory requirement for this application and the application must therefore be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

January 14, 2022
Date Issued



Peter Pavlovic
Member, Landlord and Tenant Board

Head Office
777 Bay Street, 12th Floor
Toronto Ontario M5G2E5

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.