



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

**File Number:** TEL-18520-21

**In the matter of:** 220 DURHAM STREET SOUTH  
OSHAWA ON L1J5R3

**Between:** Jason Ramesar Landlord

**and**

Mario Caggianello Tenant

Jason Ramesar (the 'Landlord') applied for an order to terminate the tenancy and evict Mario Caggianello (the 'Tenant') because the Landlord requires possession of the rental unit for the purpose of residential occupation.

This application was heard by way of video conference on September 28, 2021. The Landlord and the Tenant attended the hearing.

**Determinations:**

1. The Landlord served the Tenant with an N12 Notice of Termination on May 19, 2021. The Termination date on the Notice was July 21, 2021.
2. The parties agreed that the Tenancy is a month to month term and that the monthly rent is due on the first day of each month.
3. The Landlord's Notice does not meet the requirements set out in Section 48 (2) of the *Residential Tenancies Act, 2006*, (The Act):  

(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. 2006, c. 17, s. 48 (2).
4. As the monthly rent is due on the first of the month, the rental period for this Tenancy runs from the first of the month to the last day of the month (July 1 – July 31, 2021).
5. The termination date listed on the Landlord's notice does not meet the requirement of Section 48(2) of the Act and thus is defective on its face. The Landlord's L2 application must be dismissed for this reason.

**It is ordered that:**

1. The Landlords application is dismissed.

**October 20, 2021**

**Date Issued**

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



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Fabio Quattrociochi  
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.