



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

**Citation:** Mohammed v Al Kharboutli, 2023 ONLTB 54604

**Date:** 2023-08-10

**File Number:** LTB-L-021558-23

**In the matter of:** 231 Clockwork Drive  
Brampton, ON L7A 5C7

**Between:** Akhil Adnan Mohammed

**And**

Samer Al Kharboutli

I hereby certify this is a  
true copy of an Order dated  
**AUG 10 2023**  
Landlord and Tenant Board

Landlord

Tenant

Akhil Adnan Mohammed (the 'Landlord') applied for an order to terminate the tenancy and evict Samer Al Kharboutli (the 'Tenant') 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 June 26, 2023.

The Landlord and the Tenant's Legal Representative Maria Sturino attended the hearing.

**Determinations:**

*Preliminary Issue – Compliance with s. 48(2)*

1. Prior to the start of the hearing, having reviewed the Landlord's application, I noted that the Certificate of Service filed with the application outlined a service date of March 12, 2023. The Landlord's notice of termination outlined a termination date of March 31, 2023.
2. Section 48(2) of the *Residential Tenancies Act, 2006* (the 'Act') outlines that the termination date specified in a notice of this nature must be at least 60 days after the notice is given.
3. While the Landlord testified that the notice had been served at an earlier date, the Landlord was unable to produce a Certificate of Service for this date.
4. As such, because the Landlord's notice is in violation of s. 48(2) of the Act, the Landlord's application is dismissed.

**It is ordered that:**

1. The Landlord's application is dismissed.

**August 10, 2023**  
**Date Issued**

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Jagger Benham  
Member, 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.