



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-99643-21

In the matter of: 7813 RAMA ROAD
WASHAGO ON L0K2B0

Between: Tom Stephens Landlord

and

Matthew Feeney Tenant

Tom Stephens (the 'Landlord') applied for an order to terminate the tenancy and evict Matthew Feeney (the 'Tenant') because the Landlord has entered into an agreement of purchase and sale of the rental unit and the purchaser 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 in video conference room 135 on August 20, 2021.

The Landlord's representative, T. Landriault, and the Tenant attended the hearing. The Tenant spoke with Tenant Duty Counsel before the hearing.

Determinations:

1. Based on the evidence adduced at the hearing, I find that the Landlord did not pay compensation equal to one month's rent to the Tenant by the June 30, 2021 date of termination in the Form N12 notice of termination.
2. At the hearing, the Landlord's representative submitted a copy of the Tenant's ledger, which shows that the Tenant paid \$1,320.00 to the Landlord on June 28, 2021. This payment is consistent with the Tenant's testimony that the Landlord gave the Tenant a Form N4 notice of termination for non-payment of rent in June 2021.
3. At the hearing, the Landlord's representative testified that she believed the Landlord waived the Tenant's obligation to pay rent that month as compensation payable under section 49.1 of the *Residential Tenancies Act, 2006* (the 'Act'). The ledger, however, shows that the Tenant paid \$2.00 more than the monthly rent on June 28, 2021. The Landlord's representative was unaware until the Tenant gave evidence at the hearing that an employee of the Landlord had required the Tenant to pay rent in June 2021.

4. Since the Landlord did not pay compensation to the Tenant before June 30, 2021 in accordance with sections 49.1 and 55.1 of the Act, the Board must dismiss the application.

It is ordered that:

1. The Landlord's application is dismissed.



Harry Cho
Member, Landlord and Tenant Board

October 8, 2021

Date Issued

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

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