Order under Section 69
Residential Tenancies Act, 2006

Citation: Dhingra v Mcglone, 2023 ONLTB 15952
Date: 2023-01-19
File Number: LTB-L-054978-22

In the matter of: 1663 HANSULD ST
LONDON ON N5V1Y6

Between: Mohit Dhingra and Priya Kundu   Landlords

And

Lexy Mary Kathleen Mcglone   Tenant

Mohit Dhingra and Priya Kundu (the 'Landlords') applied for an order to terminate the tenancy and evict Lexy Mary Kathleen Mcglone (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.

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

This application was heard on January 17, 2023. Only the Landlords attended the hearing.

As of 10:45, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application.

2. The Tenant was in possession of the rental unit on the date the application was filed.

3. On September 10, 2022, the Landlord gave the Tenant an N12 notice of termination with the termination date of November 30, 2022. The Landlords claim that they require vacant possession of the rental unit for the purpose of residential occupation for their family.

4. Based on the Landlords' uncontested testimony, I find the Landlords in good faith requires possession of the rental unit for the purpose of their own use and residential occupation for a period of at least one year due to personal financial issues and family health problems.

5. The Landlord has compensated the Tenant an amount equal to one month's rent by November 30, 2022.

6.   Based on the Monthly rent, the daily compensation is $55.89. This amount is calculated as follows: $1,700.00 x 12, divided by 365 days.

7.   The Landlord incurred costs of $186.00 for filing the application and is entitled to reimbursement of those costs.

8.   There is no last month's rent deposit.

9.   I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1.   The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before January 30, 2023.

2.   If the unit is not vacated on or before January 30, 2023, then starting January 31, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

3.   Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after January 31, 2023.

4.   The Tenant shall pay to the Landlord $55.89 for each day the Tenant remains in the unit after January 30, 2023 until the Tenant vacates the rental unit.

5.   The Tenant shall also pay to the Landlord $186.00 for the cost of filing the application.

6.   If the Tenant does not pay the Landlord the full amount owing on or before January 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from January 31, 2023 at 5.00% annually on the balance outstanding.

<u>**January 19, 2023**</u>

Date Issued

_____
Greg Joy
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on July 31, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

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