



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

**File Number:** TEL-17595-21

**In the matter of:** 1531 FINLEY CRESCENT  
LONDON ON N6B0B4

**Between:** Neelam Mehta Landlords  
Rajesh Mehta

**and**

Finn Macys Tenants  
Kova Macys  
Luke Macys

Neelam Mehta and Rajesh Mehta (the 'Landlords') applied for an order to terminate the tenancy and evict Finn Macys, Kova Macys and Luke Macys (the 'Tenants') 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 Landlords also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by way of video conference on September 28, 2021. Only the Landlord's legal representative Shalini Puri attended the hearing.

**Determinations:**

1. The application is based on an N12 Notice of Termination served on the Tenants on April 28, 2021, with a termination date of July 31, 2021. The N12 indicates that the Landlord's have an agreement of purchase and sale and that the purchasers in good faith require possession of the rental unit for the purpose of residential occupation.
2. The Landlords have filed an affidavit sworn by the person who personally requires the rental unit certifying that the person in good faith requires the rental unit for his or her own personal use pursuant to Section 72(1)(b) of the Act.
3. The Landlords paid the Tenants compensation equal to one month's rent. The compensation was paid by way of waving the Tenants obligation to pay rent for June 2021 pursuant to Section 48.1 of the Act.

4. The Landlord's entered into a purchase and sale agreement for the rental unit on March 19, 2021. The rental unit is a single detached house and the Tenants occupy the entire house on a month to month tenancy agreement.
5. The original closing date for the property was on June 22, 2021. The purchasers have since agreed to an extended closing date.
6. The Landlords collected a rent deposit of \$1,800.00 from the Tenants and this deposit is still being held by the Landlords.
7. Interest on the rent deposit is owing to the Tenants for the period from November 1, 2017 to July 31, 2021.
8. Based on the uncontested evidence I am satisfied that the Landlord has entered into an agreement of purchase and sale and that the purchasers in good faith require the rental unit for their own personal use.
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 Landlords and the Tenants is terminated, as of October 31, 2021. The Tenants must move out of the rental unit on or before October 31, 2021.
2. The Tenants shall pay to the Landlords \$3,071.58, which represents compensation for the use of the unit from August 1, 2021 to October 20, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$61.45 per day for compensation for the use of the unit from October 21, 2021 to the date they move out of the unit.
4. If the Tenants do not pay the Landlords the full amount owing on or before October 31, 2021, they will start to owe interest. This will be simple interest calculated from November 1, 2021 at 2.00% annually on the balance outstanding.
5. If the unit is not vacated on or before October 31, 2021, then starting November 1, 2021, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords on or after November 1, 2021.

**October 20, 2021**  
**Date Issued**



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Fabio Quattrociochi  
Member, Landlord and Tenant Board

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

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 expires on May 1, 2022 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.