



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

**File Number:** TSL-18233-20

**In the matter of:** BASEMENT UNIT, 53 SAVONA DRIVE  
ETOBICOKE ON M8W4V2

**Between:** Andrew Warzecha Landlord

**and**

Sunaina Narula Tenant

Andrew Warzecha (the 'Landlord') applied for an order to terminate the tenancy and evict Sunaina Narula (the 'Tenant') because the Landlord requires possession of the rental unit for the purpose of residential occupation.

This application was heard by videoconference on April 27, 2021. The Landlord and the Tenant attended the hearing.

**Determinations:**

1. The application is dismissed because the Landlord did not pay the Tenants the compensation required for this application under the *Residential Tenancies Act, 2006* (the "Act").
2. The Landlord served the Tenants an N12 Notice of Termination under section 48 of the Act because he and his spouse want to move into the rental unit.
3. Section 48.1 of the Act states that, "a landlord shall compensate a tenant in the amount equal to one month's rent or offer the tenant another rental unit acceptable to the tenant if the landlord gives the tenant a notice of termination of the tenancy under section 48".
4. Section 55.1 of the Act requires that compensation under section 48.1 be paid to the tenant no later than on the termination date specified in the notice of termination. In the present case, the termination date in the N12 Notice of Termination is January 31, 2021.
5. At the hearing (held after the termination date in the N12 Notice), the Landlord confirmed that he did not pay the Tenant any compensation under section 48.1. Therefore, I find that the Landlord has not satisfied a statutory requirement for this application and the application must therefore be dismissed.

**It is ordered that:**

1. The Landlord's application is dismissed.

**July 22, 2021**

**Date Issued**



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Kathleen Wells

Member, Landlord and Tenant Board

Toronto South-RO  
15 Grosvenor Street, 1st 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.