



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-99279-21

In the matter of: 125 DESERT SAND DRIVE
BRAMPTON ON L6R1V7

Between: Rehan Zubairi Landlord

And

Andrew Faerber Tenants
Messilena Lilian Agbesi

Rehan Zubairi (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Faerber and Messilena Lilian Agbesi (the 'Tenants') because they, another occupant of the rental unit or someone they permitted in the residential complex have substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another 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 occupationThe Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on July 29, 2021.

The Landlord, the Landlord's legal representative, Samila Waslat, and one of the Tenants, Messilena Lilian Agbesi, attended the hearing, at which time Messilena Lilian Agbesi testified that the Tenants spoke with Duty Counsel.

Determinations:

1. Farah Bashir has an agreement with the Landlord to purchase the residential complex and she in good faith requires possession of the rental unit for the purpose of residential occupation.
2. The Landlord has 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.
3. The Landlord collected a rent deposit of \$1,700.00 from the Tenants and this deposit is still being held by the Landlord.

4. Interest on the rent deposit is owing to the Tenants for the period from May 1, 2018 to May 31, 2021
5. In a mid-April telephone call with the Tenant, the Landlord waived the rent owing for May in satisfaction of the Landlords' obligation to pay compensation under section 49.1 of the *Residential Tenancies Act, 2006*.
6. This is a monthly tenancy.
7. The Tenants are in possession of the rental unit.
8. The termination date in the N12 notice of termination is May 31, 2021.
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 not be unfair to postpone the eviction until September 30, 2021 pursuant to subsection 83(1)(b) of the Act. Specifically, the Landlord sought this termination date, as it is consistent with the closing date of the sale of the unit. While Messilena Lilian Agbesi asked that termination be delayed by one year to give the Tenants more time to find affordable housing, she did not explain why a year, specifically, would be required to do so. As such, I preferred the Landlord's requested time frame for relief.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated, as of September 30, 2021. The Tenants must move out of the rental unit on or before September 30, 2021.
2. The Tenants shall pay to the Landlord \$2,602.92, which represents compensation for the use of the unit from June 1, 2021 to August 9, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$62.47 per day for compensation for the use of the unit from August 10, 2021 to the date they move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing on or before August 20, 2021, they will start to owe interest. This will be simple interest calculated from August 21, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 30, 2021, then starting October 1, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

7. 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 October 1, 2021.



August 9, 2021

Date Issued

Sean Henry

Member, Landlord and Tenant Board

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on April 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.