



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

**File Number:** EAL-96573-21

**In the matter of:** 557 MARY STREET  
PEMBROKE ON K8A5X4

<b>Between:</b>	Ryan Hazelden	Landlord
	<b>and</b>	
	Candia Sullivan	Tenants
	Kelly Dermann	

Ryan Hazelden (the 'Landlord') applied for an order to terminate the tenancy and evict Candia Sullivan and Kelly Dermann (the 'Tenants') because the Landlord requires possession of the rental unit for the purpose of residential occupation.

This application was heard by videoconference on October 6, 2021.

Only the Landlord attended the hearing. The Tenants were not present or represented despite being served with the notice of hearing.

**Determinations:**

1. Pursuant to section 48.1 of the *Residential Tenancies Act, 2006* (the 'Act') a landlord shall compensate a tenant in an 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 for Landlord's own use. In this case, it was proposed that the residential occupation would be for the Landlord's parents.
2. Pursuant to section 55.1 of the Act, the landlord is required to compensate a tenant under section 48.1 by no later than on the termination date specified in the notice of termination.
3. Since the termination date in the N12 notice was July 31, 2021 the Landlord was obligated to provide the compensation to the Tenant's by no later than July 31, 2021.
4. At the hearing, the Landlord indicated that since the N12 notice had been served upon the Tenant's, there were additional negotiations attempted regarding extending the termination date for their tenancy. These negotiations did not come to fruition.

5. The Landlord indicated that he had drafted the compensation cheque dated March 31, 2021, but he did not provide the cheque to the Tenant's until September 14, 2021 because of the negotiations with the Tenant's.
6. Since the compensation was not paid in accordance with section 55.1, I will dismiss this application. I am not satisfied that this is an appropriate case in which to exercise my discretion to extend the time by which the compensation must be provided.

**It is ordered that:**

1. The Landlord's application is dismissed without prejudice to the Landlord's right to bring a further application in accordance with the Act.

**October 19, 2021**  
**Date Issued**

  
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Terri van Huisstede  
Member, Landlord and Tenant Board

Eastern-RO  
255 Albert Street, 4th Floor  
Ottawa ON K1P6A9

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