



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-01053-21

In the matter of: 5181 CHURCHILL MEADOWS BOULEVARD
MISSISSAUGA ON L5M8B6

Between: Bikram Chandi Landlord

and

Ahmed Karam Tenants
Mona Anwar

Bikram Chandi (the 'Landlord') applied for an order to terminate the tenancy and evict Ahmed Karam and Mona Anwar (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.

This application was heard by videoconference on October 1, 2021. The Landlord was represented by his daughter Eneet Chandi. The Tenants were represented by Bitu di Lisi.

Determinations:

1. The application is dismissed because compensation has not been paid to the Tenants.
2. The application is based on a Notice of Termination (N12) served on the Tenants on April 1, 2021 with a termination date of June 30, 2021, pursuant to section 49 (1) of the *Residential Tenancies Act, 2006* (the 'Act').
3. At the outset of the hearing the Tenants' representative raised the issue that compensation had not been paid, and that no declaration had been disclosed to the Tenants.
4. S. 49.1 of the Act says that "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 give s the tenant a notice of termination of the tenancy on behalf of ta purchaser under subsection 49 (1) or (2)."
5. In this case the Eneet Chandi advised they thought compensation was only due if the notice provided less than 60 days notice.

6. Further, sec. 72(1) of the Act states “The Board shall not make an order terminating a tenancy and evicting the tenant in an application under section 69 based on a notice of termination under section 49, unless the landlord has filed with the Board 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.”
7. As no declaration was filed with the Board (or disclosed to the Tenants) and no compensation has been paid on or before the date listed in the N12, the application fails to meet the statutory requirements of the Act and must be dismissed.

It is ordered that:

1. The Landlord’s Application is dismissed.

December 20, 2021

Date Issued



Dawn King

Member, Landlord and Tenant Board

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3 Robert Speck Pkwy, 5th Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.