



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

Citation: Congi v Cuff, 2023 ONLTB 39807

Date: 2023-05-29

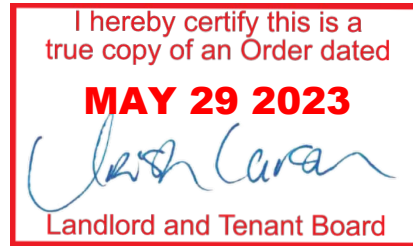
File Number: LTB-L-004372-23

In the matter of: A, 264 NORTHLAKE DR
WATERLOO ON N2V1A9

Between: Antonio Congi

And

Corrine Cuff
Jeff Durrer



Landlord

Tenants

Antonio Congi (the 'Landlord') applied for an order to terminate the tenancy and evict Corrine Cuff and Jeff Durrer (the 'Tenants') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on May 17, 2023.

The Landlord attended the hearing.

The Tenant's Legal Representative, Celina Weber and the Tenant, Corrine Cuff attended the hearing.

Determinations:

1. On November 25, 2022, the Landlord served the Tenants with an N12 notice of termination under section 48 of the *Residential Tenancies Act 2006* (the "Act") seeking termination of the tenancy for the purpose of residential occupation. The termination date set out in the N12 notice is February 28, 2023.
2. Pursuant to sections 48.1 of the Act, a Landlord must compensate the Tenants an amount equal to one month's rent if the Landlord serves an N12 notice for Landlord's own use.
3. Section 55.1 of the Act states:

55.1 If the landlord is required to compensate a tenant under section 48.1, 49.1, 52, 54 or 55, the landlord shall compensate the tenant no later than on the termination

date specified in the notice of termination of the tenancy given by the landlord under section 48, 49 or 50.

4. Section 83(4) of the Act states that the LTB cannot issue an eviction order if the landlord has not complied with the compensation requirement.
5. The Landlord failed to compensate the Tenants an equal amount to one month's rent no later than the termination date of February 28, 2023. The Landlord testified that he had not paid the Tenants the required one month's compensation.
6. Therefore, the Landlord's application for termination of tenancy cannot be granted.

It is ordered that:

1. The Landlord's application is dismissed.

May 29, 2023
Date Issued



Trish Carson
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground 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.