



I hereby certify this is a true copy of an Order dated

**JUL 5, 2023**

Landlord and Tenant Board

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

**Citation:** Nell Bradshaw v Brandyn Currie, 2023 ONLTB 47272

**Date:** 2023-07-05

**File Number:** LTB-L-034546-22

**In the matter of:** Basement, 632 BRIMLEY RD  
SCARBOROUGH ON M1J1B8

**Between:** Nell Bradshaw Landlord

**And**

Brandyn Currie Tenant  
Sandra Currie

Nell Bradshaw (the 'Landlord') applied for an order to terminate the tenancy and evict Brandyn Currie and Sandra Currie (the 'Tenant') because:

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

This application was heard by videoconference on June 13, 2023 at 09:00 am.

The Landlord Representative Ilan Shingat, the Landlord and the Tenants attended the hearing.

**Determinations:**

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy is terminated effective August 31, 2023.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On May 31, 2022, the Landlord gave the Tenant an N12 notice of termination deemed served the same date with the termination date of July 31, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by himself.
4. The Landlord compensated the Tenants an amount equal to one months rent on July 31, 2022.
5. There is no last month's rent deposit.

Good faith

6. On the basis of the sworn declaration filed with the Board and Nell Bradshaw's testimony, I find that the Landlord genuinely intends to move into the rental unit after the Tenants vacate and therefore in good faith requires possession of the rental unit for the purpose of their residential occupation for a period of at least one year.
7. Nell Bradshaw testified that they currently live with her daughter, but their home is too small given the number of people living there including her grandchildren which has caused her some anxiety and stress as she has been taking up one of her grandchildren's rooms. She further testified that it was her intent to live in the rental unit until she could no longer take care of herself.
8. The Tenant's testified it was their belief that the Landlord's application was not filed in good faith, submitting that this was just another attempt to harass them into leaving, citing a previous reduction in services. They also testified that the rental complex, a two-story house had an additional unit on the main floor and that there was another unit in the basement next to theirs, submitting the Landlord could move into one of them.
9. In response the Landlord testified that it was her intent to keep the main floor, a three-bedroom unit as a rental unit for income purposes and that the other unit the Tenant's spoke of was closed off due to it not having sufficient exits as required by the by-laws.
10. Having no evidence to substantiate their claim of bad faith, the Tenants then requested they be given at least three months to secure financing and find another rental unit.


Relief from eviction

11. 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 August 31, 2023 pursuant to subsection 83(1)(b) of the Act.
12. Specifically, although I am satisfied the Landlord has proven grounds for the termination of the tenancy I am also satisfied that a postponement is warranted to allow the Tenants time to find a new rental unit while not overtly prejudicing the Landlord.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before August 31, 2023.
2. If the unit is not vacated on or before August 31, 2023, then starting September 1, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 September 1, 2023.

**July 5, 2023**  
**Date Issued**

  
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Kelly Delaney  
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on March 1, 2024 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.