Order under Section 69
Residential Tenancies Act, 2006

File Number: TSL-23097-21

In the matter of: 2ND FLR BACK ROOM, 82 GOUGH AVENUE
TORONTO ON M4K3N8

Between: Amelia Touras   Landlord

and

Mario Xirogiannis   Tenants
Rick Mcnally

Amelia Touras (the 'Landlord') applied for an order to terminate the tenancy and evict Rick Mcnally and Mario Xirogiannis (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. 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 October 12, 2021.

Only the Landlord attended the hearing.

Determinations:

1. The Landlord served the Tenants with a Form N12 seeking termination of the tenancy because the purchaser requires possession of the rental unit for residential occupation, in accordance with section 49(1)(a) of the *Residential Tenancies Act, 2006* (the "Act").

2. I find the purchaser in good faith requires possession of the residential unit for the purpose of residential occupation. I accept the uncontested declaration to this effect that was filed in support of the application.

3. The Landlord testified he has entered into an Agreement of Purchase and Sale with an anticipated closing date of October 29, 2021. The landlord's form N12 was served July 19, 2021 and contains a termination date of September 30, 2021. I am satisfied the Landlord has met the 60-day notice requirement of s.49(2) of the Act, the declaration requirement of s.72(1)(b) of the Act, and that he has provided a rent rebate for July 2021 in satisfaction of the one month's compensation requirement of s. 49.1 of the Act.

4. Section 83 requires that the Board consider all the circumstances, including the Tenant's and the Landlord's situations, to determine if it would be appropriate to grant section

83 relief from eviction. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Tenants did not attend the hearing, and thus did not provide any evidence that may be relevant to my determination under s. 83.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated, as of December 5, 2021. The Tenants must move out of the rental unit on or before December 5, 2021.

2. The Tenants shall pay to the Landlord $1,627.45, which represents compensation for the use of the unit from October 1, 2021 to November 24, 2021.

3. The Tenants shall also pay to the Landlord $29.59 per day for compensation for the use of the unit from November 25, 2021 to the date they move out of the unit.

4. If the Tenants do not pay the Landlord the full amount owing on or before December 5, 2021, they will start to owe interest. This will be simple interest calculated from December 6, 2021 at 2.00% annually on the balance outstanding.

5. If the unit is not vacated on or before December 5, 2021, then starting December 6, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

6. 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 December 6, 2021.

November 24, 2021
Date Issued

_____
Peter Nicholson
Member, Landlord and Tenant Board

Toronto South-RO
15 Grosvenor Street, 1st 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 expires on June 6, 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.