



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

Citation: SHAFIQ v RAMSAY, 2023 ONLTB 28278

Date: 2023-08-18

File Number: LTB-L-052309-22

In the matter of: 1, 88 JOSEPH STREET
KINGSTON ON K7K2H7

Between: Khurram Shafiq Landlord

And

Blair Ramsay Tenants
Jane Wright

Khurram Shafiq (the 'Landlord') applied for an order to terminate the tenancy and evict Blair Ramsay and Jane Wright (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.

This application was heard by videoconference on March 20, 2023.

Only the Landlord attended the hearing.

As of 10:41 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. As explained below, based on the Landlord's uncontested evidence, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the tenancy is terminated effective August 29, 2023.
2. The Tenants were in possession of the rental unit on the date the application was filed.

3. On April 10, 2022, the Landlord gave the Tenants an N12 notice of termination with the termination date of June 30, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of his own residential occupation.
4. The Landlord testified that he requires a larger space as his parents have moved in with him. The rental unit is a 3-bedroom unit which is close to the Landlord's employment downtown. It is the largest of the rental units that the Landlord owns, and it is for this

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reason that he requires this particular unit. He testified that he intends to live in the unit for at least one year.

5. The Tenants did not attend the hearing to provide information for me to consider in my decision, therefore I find that the Landlord in good faith requires possession of the rental unit for the purpose of his own residential occupation for a period of at least one year.
6. The Landlord paid the Tenants compensation in an amount equal to one month's rent prior to June 30, 2022, the termination date in the N12 Notice of Termination.
7. The Landlord collected a rent deposit of \$1,000.00 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$24.25 is owing to the Tenants for the period from April 1, 2022 to March 20, 2023.
8. In accordance with subsection 106(10) of the *Residential Tenancies Act, 2006*, (the 'Act') the last month's rent deposit shall be applied to the rent for the last month of the tenancy.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated effective August 29, 2023. The Tenants must move out of the rental unit on or before August 29, 2023.
2. The Tenants shall pay to the Landlord \$9,166.08 (less any rent paid during this period), which represents compensation for the use of the unit from June 30, 2022 to March 20, 2023, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay the Landlord compensation of \$34.72 per day for the use of the unit starting March 21, 2023 until the date the Tenants move out of the unit (less any rent paid during this period).
4. If the Tenants do not pay the Landlord the full amount owing on or before August 29, 2023, the Tenants will start to owe interest. This will be simple interest calculated from August 30, 2023 at 6.00% annually on the balance outstanding.

5. If the unit is not vacated on or before August 29, 2023, then starting August 30, 2023, 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 August 30, 2023.

August 18, 2023

Date Issued

Margo den Haan
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.

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In accordance with section 81 of the Act, the part of this order relating to the eviction expires on March 2, 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.