



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

**Citation:** Sanjay Singh v Jessica Girard, 2023 ONLTB 46000

**Date:** 2023-06-28

**File Number:** LTB-L-082045-22

**In the matter of:** 22, 577 THIRD ST LONDON  
ON N5V4B8

**Between:** Priti Singh Landlords  
Sanjay Singh

**And**

Jessica Girard Tenants  
Lisa Girard

Priti Singh and Sanjay Singh (the 'Landlords') applied for an order to terminate the tenancy and evict Jessica Girard and Lisa Girard (the 'Tenants') because:

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

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

This application was heard by videoconference on May 30, 2023. Only the Landlord, S. Singh, the Landlord's legal representative, L. Branje, and the Landlord's witness, S. Chandel (SC), attended the hearing. As of 9:53 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 Landlords' evidence.

**Determinations:**

1. As explained below, the Landlords has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy is terminated.
2. The Tenants were in possession of the rental unit on the date the application was filed.

**N12 Notice of Termination**

### Landlords' Own Use

3. On October 26, 2022, the Landlords gave the Tenants an N12 notice of termination with the termination date of December 31, 2022. The Landlords claim that they require vacant possession of the rental unit for the purpose of residential occupation by the Landlords' child.
4. The Landlords filed an affidavit dated October 29, 2022 from SC, the Landlords' daughter. It states that she in good faith personally requires the rental unit for a period of at least one year.
5. The Landlords have compensated the Tenants an amount equal to one month's rent by December 31, 2022. On October 28, 2022, the Landlords sent correspondence to the Tenants advising that November 2022 rent was compensated. November 2022 rent was not paid.
6. The Landlords in good faith requires possession of the rental unit for the purpose of their child's residential occupation for a period of at least one year. SC testified she is a student at Western University, and she currently resides with her parents (the Landlords) and her brother. They often get into each other's space. She requires her own space to study and for privacy. She is in her final year of school and after she graduates, then she will be looking for jobs in London. She intends to continue to reside in London to be close to her family. She testified she will live at the rental unit full-time and for a period of at least one year.
7. The Landlord bears the obligation to prove the good faith requirement and is required to establish that the person purporting to live there genuinely intends to live in the rental unit for at least one year [*Fava v. Harrison*, [2014] O.J. No. 2678 (Div. Ct); *Salter v. Beljinac*, 2001 CanLII 40231 (ON SCDC), [2001] O.J. No. 2792 (Div. Ct.)].
8. Based on the uncontested evidence of SC, I am satisfied that she genuinely intends to live in the rental unit for at least one year. SC's consistent testimony was that she requires the rental unit to have her own space to study and for privacy.

### Relief from eviction

9. 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.
10. The Tenants did not attend the hearing to disclose their circumstances for me to consider relief from eviction. As such, relief shall not be granted.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before July 9, 2023.
2. If the unit is not vacated on or before July 9, 2023, then starting July 10, 2023, the Landlords 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 Landlords on or after July 10, 2023.

**June 28, 2023**

**Date Issued**

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Camille Tancioco

Landlords and Tenants 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 Tenants expires on January 10, 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.

