



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

Citation: Navdeep Jhajj v Justin Smiley, 2023 ONLTB 45883

Date: 2023-06-26

File Number: LTB-L-006502-23

In the matter of: 66 RAMSAY AVE
CAMBRIDGE ON N3C2M3

Between: Navdeep Jhajj Landlord

And

Justin Smiley Tenants
Tanya Larouche

Navdeep Jhajj (the 'Landlord') applied for an order to terminate the tenancy and evict Justin Smiley and Tanya Larouche (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 Tenant remained in the unit after the termination date.

This application was heard by videoconference on June 12, 2023.

The Landlord, the Tenants' Legal Representative, Theresa Forrest, and the Tenants attended the hearing.

Determinations:

1. On November 11, 2022, the Landlord gave the Tenants an N12 notice of termination pursuant to section 48 of the *Residential Tenancies Act, 2006* (the 'Act') with the termination date of January 31, 2023. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by his parent, his spouse, and himself.
2. Section 48.1 of the Act requires a landlord who has served and N12 notice to give the tenant compensation in the amount of one month of rent.
3. As of the date of the hearing, the Landlord has not paid the Tenant compensation in the amount of one month of rent.

4. Section 55.1 of the Act requires a landlord who is obligated to give compensation pursuant to section 48.1 to pay that compensation no later than the termination date in the N12 notice.

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5. While in *6150 Yonge GP Inc. v. Boxma*, the Divisional Court has accepted that the LTB has the discretion to extend pursuant to subsection 190(2) of the Act the deadline for a landlord to pay compensation owing to a tenant. In that case the landlord had attempted to pay the compensation prior to the termination date.
6. However, this case is distinguishable as the Landlord made no attempt to pay compensation to the Tenants prior to the termination dated in the N12 notice as required or prior to this hearing.
7. Subsection 83(4) of the Act provides that:

“The Board shall not issue an eviction order in a proceeding regarding termination of a tenancy for the purposes of residential occupation, demolition, conversion to non-residential rental use, renovations or repairs until the landlord has complied with section 48.1, 49.1, 52, 54 or 55, as the case may be.”

8. Since the Landlord has not paid compensation in the amount of one month of rent to the Tenants as required, this application must be dismissed.

It is ordered that:

1. The Landlord’s application is dismissed.

June 26, 2023

Date Issued

Lisa Del Vecchio

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.

