



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

**Citation:** Eduard Pelyavskyy v Ramesses Kane, 2023 ONLTB 42697

**Date:** 2023-06-13

**File Number:** LTB-L-003883-23

**In the matter of:** 741, 1830 BLOOR ST W  
TORONTO ON M6P0A2

**Between:** Eduard Pelyavskyy Landlord  
Tamara Pelyavska

**And**

Ramesses Kane Tenant

Eduard Pelyavskyy and Tamara Pelyavska (the 'Landlord') applied for an order to terminate the tenancy and evict Ramesses Kane (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.

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 May 31, 2023.

The Landlord, the Landlord's Richard Hissey, the Tenant, and the Tenant's legal representative, Yingchau Xia, attended the hearing.

**Determinations:**

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On January 6, 2023, the Landlord gave the Tenant an N12 notice of termination, which was deemed served on January 16, 2023 with the termination date of March 31, 2023. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by the Landlord's mother-in-law.

4. The Landlord in good faith requires possession of the rental unit for the purpose of their mother-in-law's residential occupation for a period of at least one year.
5. The Tenant was required to pay the Landlord \$3,754.26 in daily compensation for use and occupation of the rental unit for the period from April 1, 2023 to May 31, 2023.
6. Based on the Monthly rent, the daily compensation is \$61.55. This amount is calculated as follows:  $\$1,872.00 \times 12$ , divided by 365 days.

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7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.
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 not be unfair to postpone the eviction until September 1, 2023 pursuant to subsection 83(1)(b) of the Act. Specifically, the parties mutually agreed to this date.

**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 September 1, 2023.
2. If the unit is not vacated on or before September 1, 2023, then starting September 2, 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 2, 2023.
4. The Tenant shall pay to the Landlord \$3,754.26, which represents compensation for the use of the unit from April 1, 2023 to May 31, 2023, less the rent deposit and interest the Landlord owes on the rent deposit.
5. The Tenant shall also pay the Landlord compensation of \$61.55 per day for the use of the unit starting June 1, 2023 until the date the Tenant moves out of the unit.
6. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
7. The total amount the Tenant owes the Landlord is \$3,940.26.

8. If the Tenant does not pay the Landlord the full amount owing on or before June 24, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 25, 2023 at 6.00% annually on the balance outstanding.

**June 13, 2023**

**Date Issued**

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Sean Henry

Vice Chair, 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

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Tenant 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.

