



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

**Citation:** Al-Abedy v Swinburk, 2023 ONLTB 41803

**Date:** 2023-06-07

**File Number:** LTB-L-033635-22

**In the matter of:** 155 JIM MORTSON DR  
EAST GWILLIMBURY ON L9N0Y9

**Between:** Hussain Al-Abedy Landlord

**And**

Danielle Swinburk Tenants  
Plamen Bobtchev

Hussain Al-Abedy (the 'Landlord') applied for an order to terminate the tenancy and evict Danielle Swinburk and Plamen Bobtchev (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 Tenants remained in the unit after the termination date.

This application was heard by videoconference on May 29, 2023.

The Landlord, the Landlord's legal representative, Maria Sturino, and the Tenant's legal representative, Tigran Sandukhchyan, attended the hearing on behalf of the Tenants.

At the hearing, the parties requested the following order on consent. I am satisfied the parties understood the consequences of their joint submissions.

**Determinations:**

1. On consent, the parties requested a final-non-voidable termination of this tenancy based on their agreement to terminate the tenancy as of June 3, 2023. The application is amended to include an L3 application for termination of the tenancy.

2. The parties also consented to daily compensation based on a monthly rent amount of \$2,800.00 starting May 29, 2023 until the date the Tenants vacate the rental unit. Based on the monthly rent, the daily compensation is \$92.05.
3. The parties agreed that the Last month's rent deposit has already been applied for the period of April 29, 2023 to May 28, 2023 and otherwise there is no outstanding rent.

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**On consent of the parties, it is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before June 3, 2023.
2. If the unit is not vacated on or before June 3, 2023, then starting June 4, 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 June 4, 2023.
4. The Tenants shall also pay the Landlord compensation of \$92.05 per day for the use of the unit starting May 29, 2023 until the date the Tenants move out of the unit.

**June 7, 2023**

**Date Issued**

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Terri van Huisstede  
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on December 4, 2023 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.

