



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

**Citation:** Nunzio Grossi v Gina Hosein, 2023 ONLTB 39638

**Date:** 2023-05-30

**File Number:** LTB-L-033423-22

**In the matter of:** 19 Cousins Drive  
Aurora, ON L4G 1B2

**Between:** Nunzio Grossi Landlord

**And**

Gina Hosein Tenants  
John Elgas

Nunzio Grossi (the 'Landlord') applied for an order to terminate the tenancy and evict Gina Hosein and John Elgas (the 'Tenants') because the Landlord requires possession of the rental unit in order to demolish the unit.

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 1, 2023.

Only the Landlord and the Landlord's Legal Representative Roz Bianchi attended the hearing.

As of 10:28 am, 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, 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, eviction will be ordered and daily compensation.
2. The Tenants were in possession of the rental unit on the date the application was filed.

3. On May 9, 2022, the Landlord gave the Tenants an N13 notice of termination with the termination date of September 20, 2022 deemed served that same date. The Landlord claims vacant possession of the rental unit is required for demolition.
4. The Landlord requires the rental unit to be vacated because the Landlord in good faith intends to demolish it. I am satisfied that the Landlord has obtained the necessary permits for this work.

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5. The Landlord testified that the residential complex is a bungalow that was constructed in 1946. Entered into evidence was Demotion Permit No. PR20220486-DEM1, which was issued by the Town of Aurora to the Landlord on September 20, 2022. Also entered into evidence were the plans the Landlord had procured with respect to the construction of the new house to be built on the same site as the residential complex.
6. The residential complex contains fewer than five residential units and the demolition was not ordered to be carried out under the authority of any other Act. Therefore, the Landlord is required to compensate the Tenants in an amount equal to one month's rent by the termination date or offer the Tenants another rental unit acceptable to the Tenants.
7. The Landlord paid the Tenants the required compensation on September 2, 2022.

#### *Daily Compensation*

8. The Tenants were required to pay the Landlord \$10,997.26 in daily compensation for use and occupation of the rental unit for the period from September 21, 2022 to May 1, 2023.
9. Based on the Monthly rent, the daily compensation is \$49.32. This amount is calculated as follows: \$1,500.00 x 12, divided by 365 days.
10. There is no last month's rent deposit.

#### *Section 83 Considerations*

11. The Tenants have been aware for some time of the Landlord's plans with respect to the residential complex and have stopped paying rent since September. As such, a standard 11-day order will be issued.
12. 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.

**It is ordered that:**

- 13. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before June 10, 2023.
- 14. If the unit is not vacated on or before June 10, 2023, then starting June 11, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
- 15. 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 11, 2023.
- 16. The Tenants shall pay to the Landlord \$10,997.26, which represents compensation for the use of the unit from September 21, 2022 to May 1, 2023, less the rent deposit and interest the Landlord owes on the rent deposit.

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- 17. The Tenants shall also pay the Landlord compensation of \$49.32 per day for the use of the unit starting May 2, 2023 until the date the Tenants move out of the unit.

**May 30, 2023**  
**Date Issued**

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Jagger Benham  
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 Tenants expires on December 11, 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.

