



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

**Citation:** Hitesry Panchal v Lisa Crocker, 2023 ONLTB 36739

**Date:** 2023-05-12

**File Number:** LTB-L-067699-22

**In the matter of:** 59 KANTIUM WAY  
WHITBY ON L1N0L4

**Between:** Hitesry Panchal Landlords  
Pankajkumar Panchal

**And**

Lisa Crocker Tenant

Hitesry Panchal (HP) and Pankajkumar Panchal (the 'Landlords') applied for an order to terminate the tenancy and evict Lisa Crocker (the 'Tenant') because:

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

This application was heard by videoconference on May 3, 2023.

The Landlords and the Tenant attended the hearing. Bhavik Panchal (BP) attended the hearing as a witness for the Landlords.

**Determinations:**

1. As explained below, the Landlords have proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy will terminate August 31, 2023.
2. On September 23, 2022, the Landlords gave the Tenant an N12 notice of termination deemed served on September 24, 2022 with the termination date of January 31, 2023. The Landlords claim that they require vacant possession of the rental unit for the purpose of residential occupation by their son, BP.
3. HP and BP both testified with respect to BP wanting to move into the rental unit for a period of at least one year as he is now finished his schooling and would like to live on his own.
4. The Tenant raised some concerns with respect to the good faith of the notice of termination. More specifically, the Tenant said that three years ago, the Landlords told her

they were considering selling the property. She also said that in June 2020, one of the Landlords told her that the rental unit could be rented out for a much higher amount. I found these incidents to be remote from the date the notice of termination was served and they were not sufficient to undermine the Landlords' evidence of good faith.

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5. As a result, I am satisfied that the Landlords require possession of the rental unit for the purpose of their son's residential occupation for a period of at least one year.
6. The Landlords have compensated the Tenant an amount equal to one month's rent by January 31, 2023.
7. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$2,100.00 from the Tenant and this deposit is still being held by the Landlords. Interest on the rent deposit, in the amount of \$174.90 is owing to the Tenant for the period from October 22, 2017 to May 3, 2023.
9. In accordance with subsection 106(10) of the *Residential Tenancies Act, 2006*, (the 'Act') the last month's rent deposit shall be applied to the rent for the last month of the tenancy.
10. 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 August 31, 2023 pursuant to subsection 83(1)(b) of the Act.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before August 31, 2023.
2. If the unit is not vacated on or before August 31, 2023, then starting September 1, 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 September 1, 2023.
4. The Tenant shall pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before August 31, 2023, the Tenant will start to owe interest. This will be simple interest calculated from September 1, 2023 at 6.00% annually on the balance outstanding.

**May 12, 2023**

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**Date Issued**

Richard Ferriss

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 March 1, 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.

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