



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

**Citation:** Watkins v Galway, 2023 ONLTB 34838

**Date:** 2023-05-03

**File Number:** LTB-L-049725-22

2023 ONLTB 34838 (CanLII)

**In the matter of:** 201, 200 JAMIESON PKY  
CAMBRIDGE ON N3C4B5

**Between:** Ann Watkins Landlord

**And**

Shawn Galway Tenant

Ann Watkins (the 'Landlord') applied for an order to terminate the tenancy and evict Shawn Galway (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.

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

Only the Landlord and the Landlord’s Legal Representative, M. Pass attended the hearing.

As of 9:45 a.m., the Tenant was 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 in the application. Therefore, the tenancy is terminated.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On June 28, 2022, the Landlord gave the Tenant an N12 notice of termination with the termination date of August 31, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by the Landlord.
4. The Landlord testified that she separated from her spouse and requires possession of the unit. The Landlord also explained that when she filed out the N12 to give to the Tenant, she marked that she requires vacant possession and also that the purchaser requires vacant possession. She explained that she was unsure if she would have to buy out her spouses’ portion of the house, making her the purchaser. Either way, she testified that at all times, it was herself that required vacant possession of the unit. She testified that she

requires the unit for a period of at least one year, and testified that she plans to live in the unit permanently.

5. Based on the uncontested evidence before me, I find that the Landlord in good faith requires possession of the rental unit for the purpose of their own residential occupation for a period of at least one year.
6. The Landlord has compensated the Tenant an amount equal to one month's rent by August 31, 2022.
7. 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. The Tenant did not attend the hearing to provide submissions regarding their circumstances or to contest the Landlord's application.

**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 May 14, 2023.
2. If the unit is not vacated on or before May 14, 2023, then starting May 15, 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 May 15, 2023.

**May 3, 2023**  
**Date Issued**

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 Emily Robb  
 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 November 15, 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.

