



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

Citation: Resham v King, 2023 ONLTB 32996

Date: 2023-04-26

File Number: LTB-L-043886-22

In the matter of: First Floor, 1452 BLOOR ST W
TORONTO ON M6P3L5

Between: Singh Resham Landlord

And

Shane King Tenant

Singh Resham (the 'Landlord') applied for an order to terminate the tenancy and evict Shane King (the 'Tenant') because:

This application was heard by videoconference on April 4, 2023 at 09:00 am.

The Landlord Representative Y Bhullar, the Landlord, the Landlord's son Ramanjib Dugg and the Tenant 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. Therefore, the tenancy is terminated effective June 30, 2023.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On July 30, 2022, the Landlord gave the Tenant an N12 notice of termination deemed served on the same date with the termination date of September 30, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by their son Ramanjib Dugg.
4. The Landlord compensated the Tenant an amount equal to one months rent on September 27, 2022.
5. There is no last month's rent deposit.

Good faith

6. On the basis of the sworn declaration filed with the Board and Ramanjib Dugg testimony, I find that the Landlord's son genuinely intends to move into the rental unit after the Tenants vacate and therefore in good faith requires possession of the rental unit for the purpose of their residential occupation for a period of at least one year.

7. Ramanjib Dugg testified that they currently live with their parents and work in the shop they own on the ground floor of the rental complex. He further testified that he was engaged to be married, that his fiancé currently lived with her parents and they intended to marry and live in the rental unit together.
8. The Tenant Shane King testified that it was their belief that the Landlord had served the N12 Notice in bad faith given since receiving the N12 Notice he had no communication from the Landlord, and this was the first he had heard of the Landlord's son's intentions. However, he could offer no evidence to substantiate his claims other than he had lived in the rental unit for over 15 years and requested that he be given additional time to find a new rental unit.

Relief from eviction

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 June 30, 2023 pursuant to subsection 83(1)(b) of the Act.
10. Specifically, at the time of the hearing the Landlord Representative submitted that given the length of time the Tenant has occupied the rental unit the Landlord wouldn't be opposed to delaying eviction until June 30, 2023.

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 June 30, 2023.
2. If the unit is not vacated on or before June 30, 2023, then starting July 01, 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 July 01, 2023.

April 26, 2023

Date Issued

Kelly Delaney

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 8, 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.