



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

Citation: Chridtidis v Baracle, 2023 ONLTB 31194

Date: 2023-04-19

File Number: LTB-L-051617-22

2023 ONLTB 31194 (CanLII)

In the matter of: 3, 348 Main Street
Deseronto ON K0K1X0

Between: Christos Chridtidis Landlord

And

Mackenzie Periad Tenant
Michelle Baracle

Christos Chridtidis (the 'Landlord') applied for an order to terminate the tenancy and evict Mackenzie Periad and Michelle Baracle (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.

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 April 4, 2023 at 09:00 am.

Only the Landlord Representative Dara Saunders, the Landlord and the Landlord's witness Adrian Dorgier attended the hearing.

As of 09:30 am, 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 and the claim for compensation in the application.

2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On August 4, 2022, the Landlord gave the Tenant an N12 notice of termination deemed served on August 09, 2023 with the termination date of October 31, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by their son Adrian Dorgier.

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4. The Landlord has compensated the Tenant an amount equal to one month's rent on September 09, 2022.

Good faith

5. On the basis of the sworn declaration filed with the Board and the Landlord's testimony and that of his son Adiran Dorgier, I find that the Landlord's son, Adrian Dorgier, genuinely intends to move into the rental unit after the Tenant vacates 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.
6. The Tenant was required to pay the Landlord \$3,618.08 in daily compensation for use and occupation of the rental unit for the period from November 1, 2022 to April 4, 2023.
7. Based on the Monthly rent, the daily compensation is \$23.34. This amount is calculated as follows: \$710.00 x 12, divided by 365 days.
8. There is no last month's rent deposit.

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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
10. Specifically, given the Tenant failed to appear, although properly notified, I am satisfied that the Landlord would be prejudiced should relief be granted.

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 April 30, 2023.
2. If the unit is not vacated on or before April 30, 2023, then starting May 1, 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 1, 2023.
4. The Tenant shall pay to the Landlord \$3,618.08, which represents compensation for the use of the unit from November 1, 2022 to April 4, 2023, less the rent deposit and interest the Landlord owes on the rent deposit.
5. The Tenant shall also pay the Landlord compensation of \$23.34 per day for the use of the unit starting April 5, 2023 until the date the Tenant moves out of the unit.

April 19, 2023

Date Issued

Kelly Delaney

Member, Landlord and Tenant Board

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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 1, 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.