



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

Citation: Bala v Khan, 2023 ONLTB 31262

Date: 2023-04-17

File Number: LTB-L-053553-22

In the matter of: 2, 164 ALBERT ST
OSHAWA ON L1H4R2

Between: Ibrahim Bala Landlord

And

Fizal Khan Tenant

Ibrahim Bala (the 'Landlord') applied for an order to terminate the tenancy and evict Fizal Khan (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 5, 2023. Only the Landlord, and the Landlord's Legal Representative, V. Orlandi, attended the hearing. The Landlord's daughter and witness, S. Bala (SB), was also present at the hearing. As of 10:10 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. On June 28, 2022, the Landlord gave the Tenant an N12 notice of termination with the termination date of August 31, 2022. The Landlord claimed that they require vacant possession of the rental unit for the purpose of residential occupation by their daughter, SB.
2. SB who intends to occupy the rental unit for a period of at least one year, is currently on medical leave but hopes to return to work in June 2023. SB lives with her parents but finds the unit convenient due to nearness to public transportation and less contact with her mother who was hospitalized for over a year with the covid-19 virus.
3. The Landlord compensated the Tenant an amount equal to one month's rent on August 30, 2022, by placing a bank draft in the amount of \$700.00 in the Tenant's mailbox.
4. Section 48 (1) of the Residential Tenancies Act, 2006 (Act) provides that a Landlord may, by notice, terminate a tenancy if the Landlord in good faith requires possession of the rental

unit for the purpose of residential occupation for a period of at least one year by the landlord; the landlord's spouse; a child or parent of the landlord or the landlord's spouse.

5. Based on all the evidence, I am satisfied that the Landlord in good faith require possession of the rental unit for the purpose of residential occupation by his daughter for a period of at

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least one year and has satisfied the obligation to compensate the Tenant in an amount equal to one month's rent.

6. Based on the Monthly rent, the daily compensation is \$23.01. This amount is calculated as follows: \$700.00 x 12, divided by 365 days.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.
9. I have considered all 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:

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 the Landlord compensation of \$23.01 per day for the use of the unit starting May 1, 2023 until the date the Tenant moves out of the unit.
5. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
6. The total amount the Tenant owes the Landlord is \$186.00.
7. If the Tenant does not pay the Landlord the full amount owing on or before April 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 1, 2023 at 6.00% annually on the balance outstanding.

April 17, 2023

Date Issued

Jitewa Edu

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 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.