



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

Citation: Ali v Cargill, 2023 ONLTB 31490

Date: 2023-04-14

File Number: LTB-L-054819-22

In the matter of: 4801 ST. MARTIN MEWS
MISSISSAUGA ON L5M7K1

Between: Ashmir Ali Landlords
Ramdularie Ali

And

Roger Cargill Tenants
Shirly Cargill

Ashmir Ali and Ramdularie Ali (the 'Landlords') applied for an order to terminate the tenancy and evict Roger Cargill and Shirly Cargill (the 'Tenants') 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 April 5, 2023 at 9:00 a.m.

Only the Landlords, represented by Amna Safdar, a licensed Paralegal, attended the hearing.

As of 9:30 a.m., the Tenants 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 Landlords' evidence.

Determinations:

1. As explained below, the Landlords have proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, I am granting the Landlords' application and terminating the tenancy.
2. The Tenants were in possession of the rental unit on the date the application was filed.

N12 Notice of Termination

3. On September 3, 2022, the Landlords gave the Tenants an N12 notice of termination with the termination date of November 14, 2022. The Landlords claim that they require vacant possession of the rental unit for the purpose of residential occupation for their own personal use.

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Landlords' own use

4. The Landlords, 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. The Landlords submitted a Declaration dated September 12th, 2022 declaring that they require the rental unit for their own personal use for at least 12 months.

Compensation

5. The Landlords has compensated the Tenants an amount equal to one month's rent by November 14, 2022.

Last month's rent deposit

6. The Landlords collected a rent deposit of \$2,400.00 from the Tenants and this deposit is still being held by the Landlords. Interest on the rent deposit, in the amount of \$198.83 is owing to the Tenants for the period from August 1, 2012.
7. 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.

Relief from eviction

8. 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 Tenants did not attend the hearing to present evidence or submissions in support of granting relief from eviction and no circumstances were disclosed at the hearing or appeared in the Board file.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before June 2, 2023.
2. If the unit is not vacated on or before June 2, 2023, then starting June 3, 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 June 3, 2023

File Number: LTB-L-054819-22**April 21, 2023****Date Issued****Peter Pavlovic**

Member, Landlords and Tenants 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 Tenants expires on October 26, 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.