



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

**Citation:** Shanmuganathan v Ioannou, 2023 ONLTB 31263

**Date:** 2023-04-13

**File Number:** LTB-L-053565-22

**In the matter of:** 5, 1023 DEVONSHIRE AVE  
WOODSTOCK ON N4S5S1

**Between:** Renukai Shanmuganathan Landlords  
Shan Nathan

**And**

Maria Ioannou Tenants  
William Noel

Renukai Shanmuganathan and Shan Nathan (the 'Landlord') applied for an order to terminate the tenancy and evict Maria Ioannou and William Noel (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. The Landlords and the Landlords' Legal Representative, B. Colley, attended the hearing.

As of 9:56 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board. In addition, on March 29, 2023, the Landlords attended the unit and gave a copy of the Notice of Hearing to the mother of one of the Tenants, who resides with them.

**Determinations:**

1. On August 31, 2022, the Landlords gave the Tenants an N12 notice of termination with a termination date of October 31, 2022. The Landlords claimed that they require vacant possession of the rental unit for the purpose of residential occupation.
2. The Landlords currently reside in a property they own but are retiring and plan to downsize hence their desire to move into the rental unit.
3. The Landlords compensated the Tenants an amount equal to one month's rent by waiving the payment of the rent for the month of September 2022. The Tenants did not pay the rent for that month.

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.

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5. Based on all the evidence, I am satisfied that the Landlords in good faith require possession of the rental unit for the purpose of residential occupation for a period of at least one year and have satisfied the obligation to compensate the Tenants in an amount equal to one month's rent.
6. Based on the Monthly rent, the daily compensation is \$60.82. This amount is calculated as follows: \$1,850.00 x 12, divided by 365 days.
7. The Landlords collected a rent deposit of \$1,850.00 from the Tenants and this deposit is still being held by the Landlords. Interest on the rent deposit, in the amount of \$39.99 is owing to the Tenants for the period from December 1, 2020.
8. 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.
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 Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before April 24, 2023.
2. If the unit is not vacated on or before April 24, 2023, then starting April 25, 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 April 25, 2023.
4. The Tenants shall pay the Landlord compensation of \$60.82 per day for the use of the unit starting April 25, 2023 until the date the Tenants move out of the unit.
5. The last month's rent deposit and interest owing shall be applied to the last month of the tenancy.
6. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

**April 13, 2023**

**Date Issued**

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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 October 25, 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.

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