



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

Citation: Mo v Lin, 2023 ONLTB 28453

Date: 2023-04-05

File Number: LTB-L-043295-22

In the matter of: 1706, 28 HOLLYWOOD AVE NORTH
YORK ON M2N6S4

Between: Jaycee Lai ho Lo Landlords
William Hon bor Mo

And

Ian Lin Tenant

Jaycee Lai ho Lo and William Hon bor Mo (the 'Landlord') applied for an order to terminate the tenancy and evict Ian Lin (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.

This application was heard by videoconference on March 21, 2023.

The Landlord's Legal Representative Karanpaul Randhawa, the Landlords 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. Therefore, request for an order to terminate the tenancy is granted.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On April 13, 2022, the Landlord gave the Tenant an N12 notice of termination with the termination date of July 14, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by the Landlord's child.

4. The N12 notice was served via email. Section 191(2) of the Act provides that a notice is deemed delivered if it can be shown that it came to the attention of the Tenant. The Landlord had submitted to the Board, with the certificate of service, proof that the Tenant had confirmed receiving the N12 notice on April 13, 2023, at 9:45 a.m.

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5. The Landlord in good faith requires possession of the rental unit for the purpose of their child's residential occupation for a period of at least one year. Vanessa Mo testified to her good faith intentions. On cross-examination there were no reasons to call into question the good faith intentions of Vanessa Mo to occupy the rental unit.
6. It was uncontested that the Landlord has compensated the Tenant an amount equal to one month's rent by July 14, 2022.
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.
8. The Tenant testified regarding his personal circumstances in support of his request for a delay in terminating the tenancy. He submitted that he is the primary caregiver for his elderly father who resides in the same residential complex; that his father has medical needs, including mobility needs. The Tenant further submitted that he has been actively searching for a rental unit nearby but has not been able to find a suitable rental in the same price range as the current rent.
9. The Tenant also raised issues regarding the Landlord asking him to sign an N11 agreement to terminate. He had declined to do so and to await this hearing as was his right. This in my view, having listened to the recording of the circumstances of the conversation around the N11 do not constitute a serious breach of a Landlord's obligations under the Act. The Tenant alleged that he believed that the Landlord was not being truthful, however, there was no concrete evidence submitted to support this allegation. As such I have given it no weight in my deliberations.
10. I am cognizant that the Landlord has waited patiently for this hearing, and noting that the N12 termination date was July 14, 2022, I am not satisfied that there are sufficient reasons to warrant any delay in terminating the tenancy.
11. 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.

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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 16, 2023.
2. If the unit is not vacated on or before April 16, 2023, then starting April 17, 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 April 17, 2023.

April 5, 2023**Date Issued**

Robert Patchett

Vice Chair, 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 17, 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.