



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

Citation: TRI-B ACRES INC. v Penner, 2023 ONLTB 27439

Date: 2023-03-23

File Number: LTB-L-022147-22

In the matter of: 636 HIGHWAY 77
LEAMINGTON ON N8H3V8

Between: TRI-B ACRES INC. Landlord

And

Jacob Penner Tenant

TRI-B ACRES INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Jacob Penner (the 'Tenant') because:

- the Landlord requires possession of the rental unit in order to demolish the unit.

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 March 6, 2023. The Landlord, Landlord’s legal representative, R. Lammers, and the Tenant attended the hearing. The Tenant had an opportunity to speak with Tenant Duty Counsel before the hearing.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy is terminated.
2. The Tenant was in possession of the rental unit on the date the application was filed.

N13 Notice of Termination

3. On January 20, 2022, the Landlord gave the Tenant an N13 notice of termination with the termination date of June 7, 2022. The Landlord claims vacant possession of the rental unit is required for demolition.

Demolition

4. It was uncontested that the Landlord requires the rental unit to be vacated because the Landlord in good faith intends to demolish it. I am satisfied that the Landlord has obtained the necessary permits for this work. Further, the parties agreed that the Landlord paid the Tenant the required compensation.

Relief from eviction

5. 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.
6. The Landlord submitted that there are two permits running on the land which expire on April 21, 2023. The Landlord is concerned that if termination of the tenancy is delayed or denied, there is no guarantee that the permits will be approved again after the expiry. Furthermore, the Tenant was given 13 months since the service of the N13 Notice to find another place. The Tenant requested 120 days to vacate the rental unit. He states that he has been trying to find a place and submitted several applications. He also does not have anyone to stay with.
7. In consideration of the foregoing, I find that the prejudice to the Landlord outweighs the prejudice to the Tenant if the termination was delayed. The Tenant has been looking for another rental unit for several months and it is unclear that 120 days will provide the Tenant with more options for housing.

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 3, 2023.
2. If the unit is not vacated on or before April 3, 2023, then starting April 4, 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 4, 2023.

March 23, 2023

Date Issued

Camille Tancioco

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 4, 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.