



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

Citation: Dolan v Taddei, 2023 ONLTB 25445

Date: 2023-03-17

File Number: LTB-L-029600-22

In the matter of: Basement /Side Door Entrance, 38 Hillside Drive East
York, Toronto ON M4K2M2

Between: Michael Dolan Landlord

And

Michelle Taddei Tenant

Michael Dolan (the 'Landlord') applied for an order to terminate the tenancy and evict Michelle Taddei (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 February 7, 2023.

Only the Landlord attended the hearing.

As of 11:00am, the Tenant 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 Landlord's evidence.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the tenancy will terminate March 28, 2023.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. There is no last month's rent deposit.
4. On April 30, 2022, the Landlord gave the Tenant an N12 notice of termination with the termination date of June 30, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of the Landlord's residential occupancy.

5. The Landlord has compensated the Tenant an amount equal to one month's rent by June 30, 2022. The compensation of \$1,070.00 was paid to the Tenant on January 1, 2022.
6. The Landlord testified that he required the Tenant's rental unit for his own personal use. The rental complex is a basement unit in the Landlord's house. The Landlord resides on

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the main floor of the house. The Landlord plans on using the rental unit for his and his family's own residential use by reincorporating it into their own household.

7. Since the Tenant was not present, the Landlord's evidence was uncontested.
8. Based on the evidence before me, the Landlord 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.
9. 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.

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 March 28, 2023.
2. If the unit is not vacated on or before March 28, 2023, then starting March 29, 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 March 29, 2023.

March 17, 2023

Date Issued

Robert Brown

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 September 29, 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.