



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

Citation: Sultan v Menard, 2023 ONLTB 26024

Date: 2023-03-16

File Number: LTB-L-038017-22

In the matter of: 70 STRANDMORE CIR WHITBY
ON L1M0B9

Between: Leena Sultan Landlord

And

Kelly Menard Tenant

Leena Sultan (the 'Landlord') applied for an order to terminate the tenancy and evict Kelly Menard (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 8, 2023. The Landlord and the Landlord's Legal Representative, E. Page, attended the hearing. As of 9:57 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the tenancy will terminate on April 30, 2023.
2. On June 30, 2022, the Landlord gave the Tenant, via courier, a Notice to End your Tenancy Because the Landlord, a Purchaser, or a Family Member Requires the Rental Unit (N12) with a termination date of August 31, 2022. The Landlord claimed that they required vacant possession of the rental unit for the purpose of residential occupation.
3. The Landlord testified that she currently resides in a rented unit which is smaller than the rental unit and as her children have gotten older, she desires a larger place. The Landlord requires possession of the rental unit for a period of at least one year.
4. The Landlord compensated the Tenant, by cheque, an amount equal to one month's rent on June 30, 2022.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

6. The Landlord collected a rent deposit of \$1,500.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$25.71 is owing to the Tenant for the period from June 28, 2021.
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.

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8. Based on the uncontested evidence before me, I am satisfied that 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 and has satisfied the obligation to compensate the Tenant in an amount equal to one month's rent.
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 not be unfair to postpone the eviction until April 30, 2023 pursuant to subsection 83(1)(b) of the Act. Additional time is given to the Tenant, who has a young child, to secure alternative accommodation.

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 30, 2023.
2. If the unit is not vacated on or before April 30, 2023, then starting May 1, 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 May 1, 2023.
4. The last month's rent deposit shall be applied to the last month of the tenancy.
5. The Landlord shall pay to the Tenant, \$25.71 in interest on the last month's rent deposit.
6. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

March 16, 2023

Date Issued

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Member, Landlord and Tenant Board

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 November 1, 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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